

estate shall not be entitled to or receive any fee or commission on the estate of the ward when first delivered to him; but shall be entitled to a fee of five (5%) per cent on the gross income of the ward's estate, five (5%) on all money paid out, and may be awarded further compensation for service as may be approved by the court. The term "money paid out" shall not be construed to include any money loaned or invested or paid over on the settlement of the guardianship.

Sec. 2. The fact that under our present laws the compensation that may be paid to guardians of estates is entirely insufficient for the services performed by such guardians creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room.

Austin, Texas, May 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 59,

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

B. Westbrook. S. B. No. 59.

A BILL

To Be Entitled

An Act to amend Article 3689 of the Revised Civil Statutes of 1925, regulating the compensation of executors, administrators and testamentary trustees, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 3689 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

Article 3689. Executors, Administrators, and Testamentary Trustees, whose administrations are under the control of the court, when no compensation is provided by the will, or he or they renounce all claim thereto

shall be entitled to receive and may retain in their possession five (5%) per cent on all sums they may actually received in cash, and the same per cent on all sums they may pay out in cash, in the course of their administration, and may be awarded further compensation for services as may be approved by the court. If there be two or more Executors, Administrators or Trustees, the Court may apportion such compensation among them according to the services actually rendered by each.

Sec. 2. The fact that under our present laws the compensation that may be paid to Administrators, Executors and Trustees of estates is entirely insufficient for the services performed by such administrators, executors and trustees creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

TENTH DAY.

Senate Chamber.

Austin, Texas,

Wednesday, May 8, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Prayer by the Chaplain.

Pending the reading of the Jour-

nal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Pollard.

S. B. No. 84, A bill to be entitled "An Act to provide for the collection of delinquent taxes in independent school districts where the local ad valorem tax is assessed by or under the direction of the trustees of such district and to repeal all laws and parts of laws in conflict herewith."

The bill was read and referred to Committee on State Affairs.

By Senator Wirtz and others

S. B. No. 85, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Neal.

S. B. No. 86, A bill to be entitled "An Act accepting the provisions and benefits of an Act of Congress passed June 2, 1920, and amended June 5, 1924 entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment.' etc., and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Parrish.

S. B. No. 87, A bill to be entitled "An Act authorizing the appointment of not exceeding two deputy sheriffs to be paid out of the general fund of the county; providing the manner of their appointment and providing for their salary; limiting the application of this Act to counties of more than 11,090 and less than 11,130 population according to the latest United States census, and counties of more than 4,935 and less than 4,380 according to said census; enacting other provisions incidental to the subject of the Act; and declaring an emergency."

The bill was read and referred to Committee on State Affairs.

By Senator Berkeley.

S. B. No. 88, A bill to be entitled "An Act to validate proceedings of the District Court of the Thirty-fourth Judicial District of Texas, sitting at El Paso, in certain criminal matters; and declaring an emergency."

The bill was read first time and referred to Committee on Judicial Districts.

By Senator Berkeley.

S. B. No. 89, A bill to be entitled "An Act making an appropriation to pay claims of certain persons for losses sustained by reason of the establishment by the state of a non-cotton zone in Brewster County, Texas, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator DeBerry.

S. B. No. 90, A bill to be entitled "An Act amending Art. 2691a of the Revised Civil Statutes of Texas, 1925, and providing for a rural school supervisor in lieu of teachers' institutes as required under Art. 2691, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator DeBerry.

S. B. No. 91, A bill to be entitled "An Act creating a more efficient road system for Hopkins County, Texas; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Moore.

S. B. No. 92, A bill to be entitled "An Act declaring the authority and right of incorporated cities, towns and villages in Texas, to own, establish and operate airports for commercial aviation purposes, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Towns and City Corporations.

By Senator Moore.

S. B. No. 93, A bill to be entitled "An Act declaring that the business of manufacturing, delivering and distributing ice is affected with a

public interest and prescribing how the conduct of such business shall be regulated in the public interest, etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senators Woodward and Stevenson:

S. B. No. 94, A bill to be entitled "An Act to repeal Article 1066, Title 15, Chapter 4, Code of Criminal Procedure of Texas 1925, and declaring an emergency."

The bill was read and referred to Committee on Criminal Jurisprudence.

By Senators Hornsby, Woodul, Hyer and Witt:

S. B. No. 95, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas, 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Article 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers; and declaring an emergency."

The bill was read and referred to Committee on State Affairs.

By Senators Woodward, Stevenson.

S. B. No. 96, A bill to be entitled "An Act to amend Article 1074 Title 15, Chapter 4, Code of Criminal Procedure of Texas 1925, amended by Chapter 236, Acts of the Regular Session of the Forty-first Legislature, so as to provide a trial fee of five dollars in the County Courts and four dollars in the justice courts in misdemeanor cases, and declaring an emergency."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senators Woodward, Stevenson.

S. B. No. 97, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, Code of Criminal Procedure of Texas, 1925, as amended by Chapter 104, Acts of the Forty-first Legislature, Regular Session by fixing the fee of the justice of the peace at \$3.00 and by omitting therefrom the concluding portion of Section 1, relating to the taxing, collecting and paying into the treasury of fines and costs heretofore author-

ized for justices of the peace or judges and declaring an emergency."

The bill was read first time and referred to Committee on Criminal Jurisprudence.

By Senator Wirtz.

S. B. No. 98, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to accept and hold in trust for the University a gift from the executor of the will of E. D. Farmer, Deceased, for the purpose of establishing an International Scholarship Fund; Appropriating to the University of Texas all inheritance taxes against the estate of E. D. Farmer, Deceased; Providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas, to be held and administered by said Board of Regents as a special fund to be known as the E. D. Farmer International Scholarship Fund; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Love.

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the 38th Legislature, so as to increase the salary of the Judge of the County Court of Dallas County at Law No. 1 and the Judge of the County Court of Dallas at Law No. 2 etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Love.

S. B. No. 100, A bill to be entitled "An Act to amend Section 10, of Chapter 25 of the General and Special Laws of the Regular Session of the 40th Legislature so as to increase the salary of the Judge of the County Criminal Court of Dallas County, Texas, etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senators Martin, Cunningham.

S. B. No. 101, A bill to be entitled "An Act to amend Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to public weighers, by amending Articles 5680, 5681,

5683, 5688, 5689, 5691, 5697, 5700, 5704; repealing Articles 5702 and 5692, in Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and amending Article 1052; repealing Article 1047, adding Articles 1052a, 1052b, 1052c, 1052d, 1052e, to Chapter 5, Title 14, Revised Criminal Statutes of Texas 1925; providing the holding of one section or provision of this Act unconstitutional shall not invalidate any other section or provision; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Williamson.

S. B. No. 102, A bill to be entitled "An Act to provide means to facilitate the sequestration of personal property and authorizing the courts, by proper order make, to assist in the location of property sought by sequestration, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson.

S. B. No. 103, A bill to be entitled "An Act providing for the replevy by the defendant of personal property seized under sequestration; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson.

S. B. No. 104, A bill to be entitled "An Act to amend Art. 1645, Title 34 of the Revised Civil Statutes of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature. etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt.

S. B. No. 105, A bill to be entitled "An Act relating to the selection of jurors in certain counties; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt.

S. B. No. 106, A bill to be entitled "An Act regulating commercial aircraft and airmen in connection therewith; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Williamson, Senator Gainer was excused for the day on account of important business.

On motion of Senator Wirtz, Senator Russek was excused for the day on account of important business.

On motion of Senator Woodward, Senator Small was excused for the day on account of important business.

On motion of Senator Parrish, Senator Parr was excused for today and tomorrow on account of important business.

Invitations Extended.

The Chair laid before the Senate the following invitations:

Austin, Texas, May 7, 1929.

Mr. Barry Miller, President of the Senate.

Dear Mr. Miller: Knowing that quite a number of the members of the Senate are interested in outdoor sports, we extend to you, on behalf of Mr. and Mrs. "Ad" Topperwein, a special invitation to be present at their exhibition shoot to be held at the Parade Grounds of Camp Mabry on Wednesday, the 8th, at 3:00 p. m.

There is going to be fancy shooting with both rifle and shotgun by Mr. Topperwein, who represents the Winchester Repeating Arms Company, as well as Mrs. Topperwein. We feel sure that this will be of great interest to quite a number of you, and trust that you can arrange to be present.

Yours truly,

The Walter Tips Company,
F. W. Posey, Credit Mgr.

The Ex-Students' Association of the University of Texas, 2300 San Antonio St., Austin, May 6, 1929.
Hon. Barry Miller, Lieutenant Governor.

Dear Mr. Miller: On Friday, May 10th, at four P. M. a ground-breaking ceremony will be held on Jordan Field at the University to celebrate the inauguration of work on the gymnasium-auditorium to be erected on that site.

This is the first unit of the three buildings contemplated in the University Union Program for which ex-

students, students, and others have raised more than \$500,000.00

We would be very pleased to have the members of the Texas Senate attend this ceremony.

Cordially yours,
John A. McCurdy,
Executive Secretary.

Committee Appointed to Provide for Acceptance of A. and M. Service Flag.

The Chair announced that at A. and M. Tuesday he was presented with the A. and M. World War Service flag. He appointed the following committee to arrange for appropriate exercises for the acceptance and disposal of the flag: Senators Woodul, DeBerry, Thomason, McFarlane, and Hyer.

Resolutions Ordered Printed.

Senator Holbrook received unanimous consent to have printed in the Journal resolutions adopted by the Dallas Bar Association relative to the late Hon. Joseph Weldon Bailey. (See Appendix.)

Simple Resolution No. 12.

Senator Woodward sent up the following resolution:

Whereas, On the 26th day of April 1929, voucher No. 228 for \$25.00 was issued to Rev. W. H. Doss, Chaplain of the Senate, and

Whereas, Said voucher has been lost and investigation of the records of the State Treasury and Comptroller's office show that said voucher has not been cashed, now therefore,

Be It Resolved, That the President and Secretary of the Senate be authorized to issue a warrant to Rev. W. H. Doss for \$25.00 dating from April 22, 1929, to April 26, 1929 both days inclusive at \$5.00 per day.

WOODWARD.

The resolution was read and adopted.

Senate Concurrent Resolution No. 5.

Senator Holbrook sent up the following resolution:

Whereas, The late Joseph Weldon Bailey served in the United States Congress for a long period of years from the Old Fifth District of Texas; and

Whereas, he represented the people of Texas in the United States Sen-

ate with great distinction and ability for more than a decade; and

Whereas, It is the wish of his friends to construct a suitable memorial, either in bronze, marble, granite or some other material, and it is their desire to place the same at their own cost and expense, either in the rotunda of the Capitol building at Austin or upon the Capitol grounds, for the purpose of perpetuating his memory;

Therefore, Be It Resolved by the Senate of Texas, the House of Representatives concurring, that the Board of Control be authorized to grant such request, if one is made by a Committee composed of Senator Bailey's friends for that purpose. This, with the understanding that said statue or monument will be stationed at a place to be agreed upon between the Board of Control and such a Committee.

HOLBROOK.

The resolution was read and adopted.

Simple Resolution No. 13.

Senator Witt sent up the following resolution:

Be It Resolved by the Senate of Texas, that the Sergeant at Arms be and is hereby instructed to purchase new flags, bunting and draperies to replace those now over the rostrum of the President of the Senate; that the President of the Senate be and is hereby authorized to appoint a Committee of three members of the Senate to inspect such purchases before made, and to approve the same before purchase is made.

It is further ordered and directed that the cost thereof be paid out of the Contingent Fund of the Senate.

WITT.

The resolution was read and adopted.

The Chair appointed Senators Witt, Woodward, and Love.

Motion to Print.

Senator Holbrook moved that S. B. No. 61 be printed on minority report.

Senator Love moved to lay the motion on the table subject to call. The motion prevailed.

Motion to Re-consider.

Senator Williamson moved to reconsider the vote by which S. B. No. 37 was finally passed. The motion prevailed.

On motion of Senator Williamson, the bill was laid on the table subject to call.

S. B. No. 61.

Senator Parrish called up from the table the motion to print S. B. No. 61 on minority report.

Senator Woodul moved to table the motion to print.

Senator Woodul withdrew his motion to table in order to allow Senator DeBerry to speak on the motion Senator Greer objected.

The Chair ruled that the author of a motion to table could withdraw the motion before action was taken on it.

The motion to print prevailed by the following vote:

Yeas—16.

Berkeley	Neal.
DeBerry.	Parrish.
Greer.	Patton.
Holbrook.	Pollard.
Hornsby.	Thomason.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Woodward.

Nays—7.

Hardin.	Williamson.
Hyer.	Wirtz.
Moore.	Woodul.
Stevenson.	

Present—Not Voting.

Martin.

Absent.

Beck.

Absent—Excused.

Gainer. Small.

(Pairs Recorded.)

Senator Cousins (present), who would vote yea with Senator Parr (absent), who would vote nay.

Senator Cunningham (present), who would vote aye with Senator Russek (absent), who would vote nay.

H. B. No. 28.

Senator Holbrook made a motion that both H. B. No. 28 and S. B. No. 2, minority substitute for H. B. No. 28, be printed.

Senator DeBerry called for a division of the question.

Senator Holbrook moved that the minority report be printed.

Executive Session.

At 11:00 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be District Attorney for the One Hundred and Ninth Judicial District of Texas, Roy I. Biggs of Pecos.

To be member of State Mining Board, Robert Grim of Hicks.

To be member of the Board of Regents of the University of Texas, Dr. Edward Randall of Galveston, to succeed Hon. R. G. Storey.

To be member of the Board of Regents of the University of Texas, Hon. W. M. Odell of Fort Worth, to succeed Hon. Ed Howard.

To be District Attorney of the Seventy-ninth Judicial District of Texas, Hon. Oliver C. Aldrich of San Juan.

To be member of the Board of Prison Directors, Mr. E. H. Austin of Brazos County.

To be Life Insurance Commissioner of Texas, and Chairman of the Board of Insurance Commissioners to succeed R. B. Cousins, Jr., Hon. W. A. Tarver of Navarro County.

Respectfully submitted,
WILLIAMSON, Chairman.

The committee report was adopted.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger

from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Senator Berkeley:

S. B. No. 35, A bill to be entitled "An Act to provide for the creation of a common school district embracing an entire county having a scholastic population of more than four hundred and less than six hundred, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 4, Relating to manuals for the press.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 36, A bill to be entitled "An Act to provide that all citations and notices issued by the county clerk on applications for letters of administration, or on applications for the appointment of a guardian, shall be returnable to the court from which issued on the first Monday after the service is perfected, and said returnable date shall constitute the term of the probate court for action on said applications; providing that the time be fixed for service of citations; amending Article 1961 of the Revised Civil Statutes of 1925 so as to provide that the probate court shall be open at all times for the transaction of probate business; amending Article 1965 so as to provide that the probate minutes shall be approved by the presiding judge every thirty (30) days; re-

nealing Article 1967 of the Revised Civil Statutes for 1925 and all laws in conflict with this Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 28.

The question recurred upon the motion to print the minority report on H. B. No. 28. The motion prevailed.

Senate Bill No. 5.

The Chair laid before the Senate on third reading the following bill:

By Senator Moore:

S. B. No. 5, A bill to be entitled "An Act amending Article 198, Title 8, of the Revised Civil Statutes of 1925, as amended by Chapter 255 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to create the Twelfth Supreme Judicial District of Texas, etc., and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—16.

Beck.	Moore.
Berkeley.	Patton.
Cousins.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.

Nays—9.

Cunningham.	Neal.
DeBerry.	Parrish.
Greer.	Pollard.
Martin.	Woodward.
McFarlane.	

Absent.

Williamson.

Absent—Excused.

Gainer,	Small.
Parr.	

(Pairs Recorded.)

Senator Miller (present), who would vote nay with Senator Russek (absent), who would vote yea.

Motion to Reconsider.

Senator Miller moved to reconsider the vote by which S. B. No. 57

was finally passed. The motion prevailed by the following vote:
bill:

Yeas—16.

Beck.	Moore.
Berkeley.	Neal.
DeBerry.	Patton.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.

Nays—3.

Hardin.	Westbrook.
Parrish.	

Present—Not Voting.

Cunningham.	Martin.
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Absent.

Cousins.	Williamson.
Greer.	Woodward.
Pollard.	

Absent—Excused.

Gainer.	Russek.
Hyer.	Small.
Parr.	

Recess.

On motion of Senator Love, the Senate, at 12:10 p. m., recessed until 2:00 o'clock p. m. by the following vote:

Yeas—18.

Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Neal.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Witt.
Martin.	Woodul.

Nays—4.

Beck.	Miller.
DeBerry.	Westbrook.

Absent.

Gainer.	Russek.
Parr.	Small.

Absent—Excused.

Greer.	Wirtz.
Pollard.	Woodward.
Williamson.	

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order, by Lieutenant Governor Barry Miler.

Senate Bill No. 57.

The question recurred upon the final passage of S. B. No. 57.

Senator Miller sent up the following amendment.

Amend S. B. No. 57 by striking out the words in line 2, Section 2, ("or as a private teacher of a special subject in connection with the public schools.")

MILLER.

Read and adopted by the following vote:

Yeas—21.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Woodul.
Hyer.	Woodward.
Love.	

Absent.

Parrish.	Thomason.
Patton.	Wirtz.
Pollard.	Witt.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

The bill as amended was finally passed by the following vote:

Yeas—21.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

Absent.

Parrish.	Williamson.
Patton.	Wirtz.
Pollard.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Senate Bill No. 19.

The Chair laid before the Senate on second reading the following bill:
By Senator Cousins:

S. B. No. 19, A bill to be entitled "An Act creating the Texas State Nautical School, for the purpose of giving instruction in the practice of navigation, seamanship, wireless telegraphy, steam and electrical engineering, creating a Board of Governors to manage said school, providing for the administration thereof, and for the adoption of rules and regulations by said Board, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 19 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—18.

Beck.	Pollard.
Berkeley.	Stevenson.
Cousins.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Miller.	Woodward.
Neal.	Woodul.
Patton.	Woodward.

Nays—5.

Cunningham.	McFarlane.
DeBerry.	Westbrook.
Hornsby.	

Absent.

Greer.	Moore.
Martin.	Parrish.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Proposed Amendment to S. B. No. 10
Ordered Printed.

Senator Love received permission to have printed in the Journal a proposed amendment to S. B. No. 10.

(See Appendix.)

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 35.

Senate Bill No. 23.

The Chair laid before the Senate on second reading the following bill:

By Senators Woodul, Gainer, Hardin, Patton, Westbrook, Pollard, Beck, Berkeley, Miller, Cousins, Cunningham, Holbrook, Martin, Love, Parr, Woodward, Hornsby, Parrish, Moore, Small, DeBerry, Neal, Stevenson, Thomason and Witt.

S. B. No. 23, A bill to be entitled "An Act amending Art. 6196 of the Revised Civil Statutes of 1925 so as to provide for the discharge of convicts from the penitentiary in the county in which they were convicted; and declaring an emergency."

Read second time.

Senator Hornsby moved to lay the bill on the table subject to call. The motion prevailed.

Senate Bill No. 41.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 41, A bill to be entitled "An Act placing under the provisions of the general law all school districts common or independent, with

a scholastic population of fewer than 5,000, in the levy and collection of local school taxes and in the issuance of bonds; etc., and declaring an emergency."

Read second time.

Senator Parrish sent up the following amendment:

Amend S. B. No. 41, Section 1, so that same shall hereafter read as follows:

Section 1. That all school districts, whether common or independent, or created by general or special law, whose scholastic population is not less than 680 nor more than 690 as shown by the 1928-29 scholastic census roll, shall hereafter be governed in the levy and collection of school taxes, and in the issuance of bonds, by the provisions of the general law as they now exist or may hereafter be enacted; provided that the authority heretofore conferred upon any school district by special legislation to levy and collect a local tax in excess of the present statutory limitation shall not be affected by the provisions of this Act.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 41 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Greer.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

House Bill Referred.

H. B. No. 136 referred to Committee on Civil Jurisprudence.

Senate Bill No. 48.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 48, A bill to be entitled "An Act to amend Article 377 of the Revised Civil Statutes of 1925."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 48 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Pollard.
Parr.	Russek.

Senate Bill No. 49.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 49, A bill to be entitled "An Act to amend Article 415 of the Revised Civil Statutes of 1925."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 49 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Berkeley.
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Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Senate Bill No. 50.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 50, A bill to be entitled "An Act to amend Article 416 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, regulating the class of securities for loans and investments of saving deposits, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 50 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Senate Bill No. 13.

The Chair laid before the Senate on its second reading the following bill:

By Senators Neal, Cunningham and others.

S. B. No. 13, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service, and duties; etc, and declaring an emergency."

Read second time.

On motion of Senator Neal, the bill was made special order for tomorrow morning after the morning call.

Senate Bill No. 15.

The Chair laid before the Senate on its second reading the following bill:

By Senators Neal, Hornsby, Witt.

S. B. No. 15, A bill to be entitled "An Act to amend Article 2700 of the Revised Civil Statutes of 1925 relating to the salaries of County Superintendent, and declaring an emergency."

Read second time.

Senator Westbrook raised the point of order that the same bill (H. B. No. 12) had been killed in the House on May 1.

The Chair sustained the point of order.

Senate Bill No. 23.

Senator Woodul called up from the table the following bill:

By Senators Woodul, Gainer, Hardin, Patton, Westbrook, Pollard, Beck, Berkeley, Miller,, Cousins, Cunningham, Holbrook, Martin, Love, Parr, Woodward, Hornsby, Parrish, Moore, Small, DeBerry, Neal, Stevenson, Thomason and Witt.

S. B. No. 23, A bill to be entitled "An Act amending Art 6196 of the Revised Civil Statutes of 1925 so as to provide for the discharge of convicts from the penitentiary in the county in which they were convicted; and declaring an emergency."

Senator Stevenson sent up the following amendment:

Amend Senate Bill No. 23 by striking out the last sentence of Section 1 and substituting therefor the following:

"He shall be given a non-transferable non-cashable ticket for transportation to the county in which he was convicted or to any other point in the State of Texas he selects, provided an official selected for the purpose by the Penitentiary Commission approves the request of the convict that a ticket be given him to a point in the State other than the county in which he was convicted."

STEVENSON.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 23 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Simple Resolution No. 14.

Senator Pollard sent up the following resolution:

Whereas, Hon. Randolph Bryant, Federal District Attorney for the Eastern District of Texas is within the Bar of the Senate.

Now therefore, be it resolved by the Senate that he be invited to address the Senate and be given the courtesy of the Senate.

POLLARD,
WESTBROOK,
BECK.

Read and adopted.

The Chair appointed Senators, Pollard, Westbrook, and Beck to escort Mr. Bryant to the platform.

Mr. Bryant Speaks.

Senator Pollard introduced Mr. Bryant, who briefly addressed the Senate.

Senate Bill No. 31.

Senator Hornsby called up from the table the following bill:

By Senator Parr:

S. B. No. 31, A bill to be entitled "An Act to correct the official spelling of the name of the County of Zavalla, Texas."

The Chair substituted for this bill H. B. No. 87 on the same subject.

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 87 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Senate Bill No. 81

The Chair laid before the Senate on its second reading the following bill:

By Senator Small and 29 other Senators.

S. B. No. 81, A bill to be entitled "An Act making an appropriation to compensate John W. Hornsby for legal services, etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.
The bill was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 81 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Present—Not Voting.

Hornsby.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Present—Not Voting.

Holbrook.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Senate Bill No. 58.

The Chair laid before the Senate on second reading the following bill:
By Senator Westbrook:

S. B. No. 58, A bill to be entitled

"An Act to amend Art. 4310 of the Revised Civil Statutes of 1925, regulating the compensation of guardians, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 58 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Senate Bill No. 59.

The Chair laid before the Senate on second reading the following bill:
By Senator Westbrook:

S. B. No. 59, A bill to be entitled
"An Act to amend Art. 3689 of the Revised Civil Statutes of 1925, reg-

ulating the compensation of executors, administrators and testamentary trustees, and declaring an emergency."

Read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 59, by adding to the end of Section 1 the following: "provided that in no event shall the court authorize a fee in excess of \$250.00 under the provisions of this Act."

McFARLANE.

The amendment was read.

On motion of Senator Westbrook, the bill and the amendment were laid on the table subject to call.

Adjournment.

On motion of Senator Hornsby, the Senate, at 4:00 o'clock p. m., adjourned until Thursday morning at 10:00 o'clock.

APPENDIX

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 48 carefully examined and compared and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 49 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 41 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 9 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 34 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 54 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 45 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 62 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 46 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 16 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 44 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 40 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 11 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 39 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 5 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 37 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 57 carefully examined and compared and find the same correctly en-grossed.

MILLER, Vice-Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 35 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:45 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Agri-culture, to whom was referred

S. B. No. 75, A bill to be entitled "An Act to safeguard the public in the purchase of pure bred agricul-tural seed, true to name; providing that the State Board of Plant Breed-er Examiners shall be hereafter known as the State Seed and Plant Board; further defining their duties; establishing a system of registration and certification for agricultural field crops; providing that the State Seed and Plant Board shall prescribe all necessary rules and regulations and pass upon the applications of

breeders and growers for registration and certification; providing, further, that the Commissioner of Agriculture shall make necessary inspections for the proper enforcement of said Act, and shall have printed tags placed upon bags and other containers of agricultural field seed offered for sale under the terms of this Act, and shall charge a fee for same to enforce the provisions of this Act; prescribing penalties for the violation of said Act, providing that this Act shall be cumulative of Chapter 2, of Title 4, of Volume 1, Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Finance, to whom was referred

S. B. No. 81, A bill to be entitled "An Act making an appropriation to compensate John W. Hornsby for legal services, together with interest on the amount due, said services having been rendered the State of Texas in the case of State of Texas vs. Hoffman Construction Company, No. 42197 in the District Court of Travis County, 53rd Judicial District, in which case judgment was obtained for the State against the defendant for the sum of \$412,000.00 and costs of suit, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 87, A bill to be entitled "An Act to correct the official spelling of the name of the County of Zavalla, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 18, A bill to be entitled "An Act to amend Article 2786, Revised Civil Statutes, 1925, by requiring all school district bonds to mature serially in annual installments, repealing all laws or parts of laws, general or special, in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 61, A bill to be entitled "An Act providing a maximum amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61 of the Revised Civil Statutes of 1925 may retain; requiring the excess of such maximum to be paid over to the county; requiring such officers to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 61, A bill to be entitled "An Act providing a maximum

amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61 of the Revised Civil Statutes of 1925 may retain; requiring the excess of such maximum to be paid over to the county; requiring such officers to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; and declaring an emergency."

Have had the same under consideration and beg to differ with the majority of the Committee and report back to the Senate that the original bill do not pass but that the substitute bill do pass in lieu thereof.

HOLBROOK, Chairman.

By Parrish M. C. S. S. B. No. 61

An Act providing a maximum amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61, of the Revised Civil Statutes of 1925 may retain; requiring the excess over such maximum to be paid over to the county; requiring such officers to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; providing for the deduction of certain expenses in connection with delinquent tax suits out of the fees of office with consent of the Commissioners Court; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No officer mentioned in any Article of Chapter 1, Title 61, of the Revised Civil Statutes of 1925, in any county of this State regardless of population shall be entitled to retain more than Ten Thousand (\$10,000.00) Dollars annually as the total amount of fees, salary, commissions or other compensation. Each such officer shall make reports and account for fees as now provided by law and in addition thereto each such officer shall account for all fees, salary, commissions or other compensation which under the laws of this State he is not now required to account for. He shall include the

same in the reports he is now required by law to make in reference to fees of office; provided, that it shall be his duty to make such report in reference to such fees, commissions, salary or other compensation whether he is earning any fees which under present laws he is required to account for or not. The excess over and above \$10,000.00 per annum shall be paid over to the county by each such officer. It is the purpose of this Act to provide that no such officer shall in any event retain a total compensation, including all kinds of fees, salary, commissions or other compensation of more than \$10,000.00 annually, provided that expenses necessarily and actually incurred for clerical or other help in connection with delinquent tax suits may with the consent of the Commissioners Court be deducted out of fees of office and need not be taken into consideration in arriving at the maximum fixed by this Act. This Act shall apply to every county in the State of whatever population.

Sec. 2. The fact that in some of the larger counties in this State certain officers are not required to account for certain fees of office and are making large amounts per annum, entirely out of proportion to the compensation that should be attached to their respective offices, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after January 1, 1931, and it is so enacted.

Committee Room,

Austin, Texas, May 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 85, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, including any share, stock, treasury stock, stock certificate under a voting trust agreement, collateral trust certificate, preorganization certificate or receipt, subscription or reorganization certificate, note, bond, debenture, mort-

gage certificate or other evidence of indebtedness, any form of commercial paper, certificate in or under a profit sharing or participating agreement, certificate of interest in or under an oil, gas or mining lease or title, or any certificate or instrument representing or secured by any interest in any or all of the capital, property, assets, profits, or earnings of any company, investment contract, discount certificate, or any other instrument commonly known as a security, whether similar to those herein referred to or not, and providing for the registration of certain persons and companies dealing in securities; this being a Blue Sky Law superseding the present Blue Sky Law of this State; conferring powers and imposing duties on the Secretary of State and Attorney General and otherwise providing for the administration of this Act; providing for judicial ascertainment and the taking of appeals; prescribing penalties and making appropriations; repealing all laws and parts of laws in conflict herewith; enacting all necessary provisions incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that mimeographed copies having been placed on the desks of each Senator, that it be not printed.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Penitentiaries, to whom was referred

H. B. No. 28, A bill to be entitled "An Act providing for the Texas Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of buildings and walls and the location of a new penitentiary; providing for the removal of prisoners; providing for the purchase and sale of land and the sale and manner thereof of property now controlled and used by the Prison System; providing for pur-

chase and sale of products of said System and also by the Board of Control for each system, and for other State institutions and purposes; making an appropriation repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McFARLANE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Penitentiaries, to whom was referred

H. B. No. 28, A bill to be entitled "An Act providing for the Texas Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of buildings and walls and the location of a new penitentiary; providing for the removal of prisoners; providing for the purchase and sale of land and the sale and manner thereof of property now controlled and used by the Prison System; providing for purchase and sale of products of said system and also by the Board of Control for each system, and for other State institutions and purposes; making an appropriation, repealing all laws in conflict herewith; and declaring an emergency."

Beg leave to differ with the majority of said Committee, and we, a minority of your Committee, recommend that H. B. No. 28 do not pass but that S. B. No. 2 hereto attached do pass in lieu thereof.

HOLBROOK,
HARDIN,
WOODUL,
HORNSBY,
BECK.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred,

H. B. No. 2, A bill to be entitled "An Act providing for the transpor-

tation of pupils to and from school; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 68, A bill to be entitled "An Act providing for a local option method of determining question of whether or not the county superintendent of schools in each county of this State shall be employed by the county board of trustees; providing that in such cases the county board of trustees may fix the salary of the county superintendent, not to exceed the maximum now provided by general law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 69, A bill to be entitled "An Act to amend Article 2667, Revised Civil Statutes 1925, providing for school trustees in all independent school districts at eleemosynary institutions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 76, A bill to be entitled "An Act to provide for the assessment and collection of taxes by independent school districts; declar-

ing an emergency and repealing any and all laws in conflict therewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 70, A bill to be entitled "An Act validating matters and things heretofore done and performed in Wells Independent School District No. 8, composed in part of territory lying in Cherokee County and in part of territory lying in Angelina County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 90, A bill to be entitled "An Act amending Article 2691a of the Revised Civil Statutes of Texas, 1925, and providing for a rural school supervisor in lieu of teachers' institutes as required under Article 2691 and providing for the payment of the salary of said rural school supervisor in counties having a population of 34,700 to 35,000, according to the Federal census of 1920, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 83, A bill to be entitled "An Act legalizing the Acts of the county school trustees of Jack and Young Counties, Texas, creating the Bryson Rural High School District; Longhollow Common School District No. 40; Mountain Home Common School District No. 36; and Finis Common School District No. 27; granting to the Bryson Rural High School District all the rights and privileges now granted to Independent School Districts of 250 or more scholastic population; validating all levies of taxes and contracts made in behalf of the Bryson Rural High School District; repealing all laws in conflict with the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 88, A bill to be entitled "An Act to validate the proceedings of the District Court of the Thirty-fourth Judicial District of Texas, sitting at El Paso, in certain criminal matters; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 20, A bill to be entitled "An Act amending Sections 3, 4, 14 and 20 of Chapter 41 of the Acts of the Fortieth Legislature, passed at its First Called Session, which Act provides for a system of Vital Statistics, and which Amendment provides for the formation of Registration Districts and for local Regis-

trars of Births and Deaths and for Deputy-Registrars for the duties of such officers and their compensation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendments, and that it be printed in the Journal.

BECK, Chairman.

Amendment to S. B. No. 20.

That Section 7, Chapter 41, of the Acts of the Fortieth Legislature be amended by adding this provision:

That if the deceased shall have rendered service, or shall at the time of the death, be in the service of the United States of America in any war, campaign or expedition, that the following facts shall be shown on the reverse side of the death certificate:

(1) The Organization in which service is or was rendered; (2) the Serial Number taken from the discharge papers, if discharged, or the number from the Adjusted Service Certificate; (3) the name and post-office address of the next of kin or next friend of the deceased.

And provided that when such a death certificate is filed, the Local Registrar shall immediately notify the nearest American Legion Post.

And provided further, that the State Registrar, when such certificate is filed with the State Bureau of Vital Statistics, shall notify the State Service Officer of the Adjutant General's Department and the State Adjutant of the American Legion.

Amendment to S. B. No. 20.

And provided that if any Section or Provision of this Act be declared unconstitutional by any Court, that such decision or opinion shall not affect any of the other Sections or Provisions contained in this Act.

By Beck.

S. B. No. 20.

A BILL

To Be Entitled

An Act amending Sections 3, 4, 14 and 20 of Chapter 41 of the Acts of the Fortieth Legislature, passed at its First Called Session, which Act provides for a system of Vital Statistics, and which Amendment

provides for the formation of Registration Districts and for Local Registrars of Births and Deaths and for Deputy-Registrars for the duties of such officials and their compensation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 3, Chapter 41 of the Acts of the Fortieth Legislature passed at its First Called Session be, and the same is hereby amended so as to hereafter read as follows:

For the purposes of this Act the State shall be divided into Primary Registration Districts as follows:

Each Justice of the Peace Precinct and each incorporated town of 2,500 or more population, according to the United States Census, shall constitute a Primary Registration District, provided the State Board of Health may combine two or more Registration Districts, or may divide a Primary Registration District into two or more parts, so as to facilitate registration, and in cities of 2,500 or more, according to the last United States Census Report, where births and deaths are registered in accordance with a City Ordinance not in conflict with this Act, the City Clerk shall be the Local Registrar of Births and Deaths.

It is hereby declared to be the duty of the Justice of the Peace in the Justice of the Peace Precinct, and the City Clerk in the city of 2,500 or more population, to secure a complete record of each birth and death that occurs within their respective jurisdictions, and is required by this Act.

Sec. 2. That Section 4, Chapter 41 of the Acts of the Fortieth Legislature passed at its First Called Session be, and the same is hereby amended so as to hereafter read as follows:

Every Local Registrar shall select a Deputy-Registrar to the end that at all times a Registrar may be available for the registration of births and deaths, and all reports made to the Bureau of Vital Statistics shall be over the signature of the Local Registrar.

In any district where the Local Registrar fails or refuses to secure the registration of all births and deaths in his district, or neglects to

discharge the duties of his office as set forth in this Act, the State Board of Health shall declare that district to be without a local Registrar of Births and Deaths, and shall, with the confirmation of the County Judge or the City Mayor, as the case may be, appoint a Local Registrar of Births and Deaths for that District.

Sec. 3. That Section 14 of Chapter 41 of the Acts of the Fortieth Legislature passed at its First Called Session be, and the same is hereby amended by adding to subdivision 25, which subdivision shall read as follows:

And provided that the name of the father or any information by which he might be identified, shall not be written into the birth or death certificate of any illegitimate child, and provided further, that any statement the father of an illegitimate child wishes to make as to its parentage, may, when placed in the form of an affidavit, be attached to the original birth record.

Neither the State Registrar nor any Local Registrar shall issue a certified copy of any birth or death certificate wherein a child or an adult is stated to be illegitimate, unless such certified copy is ordered by a court of competent jurisdiction.

Sec. 4. That Section 20, Chapter 41 of the Acts of the Fortieth Legislature passed at its First Called Session be, and the same is hereby amended so as to hereafter read as follows:

That each Local Registrar shall be paid the sum of Fifty Cents for each birth and death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State Bureau of Vital Statistics, as required by this Act, unless such Local Registrar shall be acting as Registrar of Births and Deaths in an incorporated city where the compensation of the Registrar is otherwise fixed by City Ordinance.

The State Registrar shall annually certify to the County Commissioners Court or County Auditor, as the case may be, the number of birth and death certificates filed by each Local Registrar at the rates fixed herein, and provided that the State Registrar may render such statements

monthly or quarterly, at the discretion of the State Board of Health, and the Commissioners Court or County Auditor, as the case may be, shall audit such statement and the County Treasurer shall pay such fees as are approved by the Commissioners Court or the County Auditor, at the time such statement is issued.

And provided further, that the Local Registrar shall submit to the Commissioners Court or the County Auditor, as the case may be, a true and accurate copy of each birth and each death certificate filed with him, and such copies shall be deposited in the County Clerk's office, and the County Clerk shall be paid for indexing and preserving such records, such compensation as may be decided upon by the Commissioners Court.

Sec. 5. The fact that the present Vital Statistics Law is inadequate and insufficient, and that it is necessary for the State immediately to cooperate with the Federal Government in the matter of a system of Vital Statistics, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on 3 several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred,

S. B. No. 22, A bill to be entitled "An Act establishing a State Sanitary Code which provides for the prevention and control of diseases; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules, and regulations for the protection of the public health; repealing the old State Sanitary Code known as Chapter IV Article 4477 of the Revised Civil Statutes of Texas of 1925, and repealing all laws, articles, sections, and subdivisions of laws in conflict or inconsistent with this Act; prescribing a penalty; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recom-

mendation that it do pass with amendments, and that it be printed in the Journal.

BECK, Chairman.

Amendment Substitute for Chapter 1 to Senate Bill No. 22, Milk Sanitation.

Substitute for Chapter 9.

Section 1. "Supplementing the laws now in force covering food protection, in order to better safeguard the public health and to promote the better protection of the milk supplies of Texas, providing rewards for the cleanly production and handling of the milk and to promote and increase the public confidence in same, the State Board of Health is hereby authorized to provide a system for grading and labeling the milk to the end that the public may be informed of its safety and quality.

Such promotion of milk sanitation by grading may be extended by the State Board of Health to such cities and towns of Texas requesting same and by their voluntary and optional adoption of such system as the State Board of Health recommends.

This section is not intended to interfere with the operation of any other system of grading by any city of Texas."

Sec. 2. "Milk or milk products shall not be graded or permitted to carry a label of a grade indicating the safety or quality of the product in the State of Texas unless the milk control work is done by the city or county health authority, or by the State Health Officer, or by their authorized representatives, and unless such grade or label shall have been authorized by one of the aforesaid authorities in conformity to a standard."

Sec. 3. Provisions for Extension of State Aid. The State Health Officer is hereby authorized to assist with the promotion of milk sanitation in such cities, towns, and counties of Texas which are not financially able to provide for same, and in the following manner: He may furnish the services of his representatives to counties, cities, and towns making application therefor, and he is hereby authorized to accept from any county, city, or town moneys of an amount estimated and agreed upon as will defray the expense incurred in fulfilling such assignments, and provided the funds so received shall be placed in the State Treasury

to the credit of a fund to be known as "Milk Inspection Fund," the same being hereby appropriated, and shall be used by the State Health Officer in the promotion of milk sanitation. Such funds shall be paid out by warrants issued by the Comptroller of the State of Texas drawn on the State Treasury on the requisition of the State Health Officer.

By Beck, Cunningham. S. B. No. 22.

A BILL

To Be Entitled

An Act establishing a State Sanitary Code which provides for the prevention and control of disease; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules, and regulations for the protection of the public health; repealing the old State Sanitary Code known as Chapter IV, Article 4477 of the Revised Civil Statutes of Texas, and repealing all laws, articles, sections, and subdivisions of laws in conflict or inconsistent with this Act; prescribing a penalty; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

CHAPTER I. General Statutory Regulations.

Section 1. Repeal of existing State Sanitary Code and other statutes.—In order to provide more effectively for the control and prevention of disease among the people of Texas, Article 4477 of Chapter IV of the Revised Civil Statutes of Texas of 1925 known as the Sanitary Code, and such other articles and sections as may be in conflict with this Act, are hereby repealed and the following sections and subdivisions shall constitute the Sanitary Code of the State of Texas. Provided, that all other laws or parts of laws now in force relating to the State Health Department, the State Board of Health, and the State Health Officer, and all other laws relating to public health, sanitation, and the control and prevention of communicable, contagious, and infectious diseases shall remain in full force and effect, except in so far as the same may be in conflict with the provisions of this Act.

Sec. 2. Duties and Powers of the State Health Officer.—In addition to

the duties and powers previously established by legislative enactment, the State Health Officer shall be empowered to employ the most efficient and practical means for the prevention and suppression of disease, and it shall accordingly be his duty so to do, and to administer the health laws and the Sanitary Code, and to establish with the approval of the State Board of Health, such other rules and regulations as are necessary to carry into effect this Act and for the prevention and suppression of disease. The State Health Officer shall assist and advise local health officers in the performance of their duties, and may require the enforcement of any law, regulation, or ordinance relating to public health; and with the health authorities of this and other states, shall secure information and data concerning the control of disease and conditions affecting or endangering the public health, and he shall make such information available to the people of this State as may be of value to them. When requested by the local health officers, he shall visit their jurisdictions to investigate, consult, and advise on any conditions affecting the public health, make inspections of public hospitals, asylums, prisons, schools, and other institutions and submit a report of his investigations to the State Board of Health with such recommendations as he may deem proper. The State Health Officer may also, with the approval of the State Board of Health, employ such clerical and other assistance as may be necessary and purchase supplies and materials for use in the said State Department of Health as may be required for the proper discharge of the duties of his office.

Sec. 3. Duties of local health officers.—It shall be the duty of city and county health officers and sanitary inspectors to file complaints in the proper courts when violations are brought to their attention, or when warranted, and it shall be the duty of the city, county, and district attorneys to prosecute such violations.

CHAPTER II. Communicable Diseases.

Section 1. Reportable Diseases.—The following diseases are declared to be communicable or dangerous to

the public health and are reportable in the manner hereinafter provided.

Division A.

Actinomycosis
Acute Infectious Conjunctivitis
Anchylostomiasis
Anthrax
Chicken Pox
Cholera
Dengue
Diphtheria
Dysentery (amebic)
Dysentery (bacillary)
Encephalitis Lethargica (epi-
demic)
Favus
German Measles
Glanders
Influenza (epidemic)
Leprosy
Malaria
Malta Fever
Measles
Meningococcus
Mumps
Paratyphoid Fever
Plague
Pneumonia (acute lobar)
Polio-myelitis (infantile paralysis)
Puerperal Infection
Rabies
Rocky Mountain Spotted or Tick
Fever
Scarlet Fever
Septic Sore Throat
Smallpox
Tetanus
Trachoma
Trichinosis
Tuberculosis (pulmonary)
Tuberculosis (other than pulmo-
nary)
Tularaemia
Typhoid Fever
Typhus Fever
Whooping Cough
Yellow Fever

Division B.

Chancroid
Gonorrhea
Syphilis

Division C.

Beriberi
Botulism (food poisoning)
Pellagra
Scurvy

Division D.

Analine Poisoning
Arsenic Poisoning
Benzine Poisoning
Benzol Poisoning
Bisulphide of Carbon Poisoning
Carbonmonoxide Poisoning
Compressed Air Illness
Dinitrobenzine Poisoning
Lead Poisoning
Naphtha Poisoning
Natural Gas Poisoning
Phosphorus Poisoning
Turpentine Poisoning
Tetraethyl Lead Poisoning
Wood Alcohol Poisoning

Sec. 2. Records and Reports.—

(1) Definition of a report.—For the purposes of this Code a disease may be said to be reported when the name of the person, address, age, sex, and the name of the disease existing or suspected, and the date of the onset have been reported to the proper health authority. Provided, that for the diseases listed, those of Division B shall be reported in accordance with Section 1 of Article 4445, Revised Statutes of 1925; and provided further, that if the disease reported is one listed in Division D, the report shall include the name and address of the employer.

(2) How diseases are to be reported.—Disease Division A and C: (a) By completing report card for such diseases and sending the same to the proper health authority; (b) The health officer, at his discretion, may accept verbal or telephone reports, provided the required data are immediately recorded on a report card.

Disease Divisions B and D: By completing the report card for such diseases and sending the same direct to the State Health Officer.

(3) Time of reporting.—All reports shall be submitted to the proper health authority within thirty-six hours after seeing the case. The report shall state whether the diagnosis is provisional or final.

(4) To whom reports shall be made.—All diseases listed in Division A and C shall be reported to the health officer having jurisdiction. All diseases listed in Division B shall be reported in accordance with Section 1 of Article 4445 of the Revised Statutes of 1925; and all diseases

listed in Division D shall be reported direct to the State Health Officer.

(5) Persons required to make reports.—(a) Physicians in attendance on a case of reportable disease shall report the same in the manner specified in these regulations.

(b) When no physician is in attendance, superintendents or persons in charge of hospitals, sanitariums, dispensaries, schools (public, private, or parochial), or other institutions, nurses, midwives, teachers, dairy managers, heads of private household, proprietors and keepers of hotels, boarding houses, restaurants, lodging houses, transit camps and camps, masters of vessels, and heads of industrial establishments, or any other person or persons either attending or having knowledge or suspecting a case of reportable disease, shall communicate such fact to the health officer.

(c) Laboratories.—The director or person in charge of a laboratory authorized by the State Board of Health shall, at the end of each month, report to the State Health Officer the total number of specimens examined by such laboratory showing the presence of each reportable disease.

(6) Telegraphic reports.—In addition to reporting in the manner specified above, a telegraphic report shall be sent by the physician in attendance to the State Health Officer on the following diseases: Anthrax, Glanders, Leprosy, Plague, Rocky Mountain Spotted Fever, Typhus Fever, and Yellow Fever.

(7) Handling of Reports by city and county health officers.—Upon receipt of the individual report cards on all diseases at the office of the local health officer, the same shall be filed in that office and a completed tabulation card showing the number and kinds of diseases occurring or reported during the current week, up to and including Saturday, shall be mailed to the State Health Officer at the end of each week.

Sec. 3. Precautionary measures.

(1) Duties of physician.—It shall be the duty of the attending physician immediately upon discovering a case of communicable disease to order such isolation of case and disinfection of discharges as are necessary to prevent its spread, and it shall be the duty of the person so

ordered to comply with such instructions unless and until he is otherwise notified by the health officer having jurisdiction.

(2) Duties of health officer.—Whenever the health officer is informed or has reason to believe that a reportable disease exists within the territory over which he has jurisdiction, he shall either in person or through his authorized representative, immediately examine the facts in the case and institute such measures as are contained in the regulations of the State Board of Health for preventing the spread of such disease.

(3) Duties of common carriers.—All persons concerned with the management and operation of common carriers shall observe the rules for such carriers as contained in the "Sanitary Code for Common Carriers" as hereinafter contained.

(4) Duties of superintendents of institutions.—Boarding schools, boys' and girls' camps, hospitals, almshouses, jails, or other similar institutions (public or private), shall immediately isolate all persons known or suspected of being afflicted with any communicable disease and at once notify the health officer having jurisdiction.

(5) Duties of school authorities.

(a) Diseases excludable. No teacher, pupil, or employee shall be permitted to attend any public, private, parochial, or Sunday School when infected or suspected of being infected with any of the diseases listed in Division A and B, or of being a carrier of such disease, or while suffering from impetigo contagioso, pediculosis, ringworm or scabies.

(b) Certificate for return.—Unless otherwise excluded, it shall be the duty of the school health official, teacher, principal, or board of directors to exclude such teacher, pupil, or employee and prohibit his return to school until a certificate is presented from a physician or health officer stating that in his judgment such teacher, pupil, or employee is free from such disease and incapable of transmitting the same.

(c) Diseases in the home.—No teacher, pupil, or employee shall be permitted to attend school while residing in a home or institution where there exists any of the following diseases in a communicable stage: Cholera, diphtheria, measles, meningitis,

gococcus meningitis, plague, poliomyelitis, scarlet fever, smallpox, typhus fever, whooping cough, yellow fever, unless the patient is properly isolated and the contacts immunized, such facts being attested by the physician in charge and approved by the local health officer.

(d) Certificate for return.—Unless otherwise excluded it shall be the duty of the teacher, principal, or board of directors of any school to exclude such person and to prohibit return thereto until a certificate is presented from a physician or the health officer stating that the person is incapable of transmitting such infection.

(e) School boards shall require vaccination.—The school board shall require vaccination against smallpox of all the school personnel and the children applying for admission and shall exclude pupils who refuse to be vaccinated. School boards may also require immunization against any communicable disease when in the judgment of the State or local health officer conditions warrant these protective measures.

(6) Carriers, management of.—Known carriers of communicable diseases, unless otherwise specified, shall, for the purpose of these regulations, be considered and controlled as cases of the same disease. The health officer shall take such steps as are necessary to locate carriers, and shall institute such measures, as are necessary either to rid the person of the carrier stage of his infection or prevent its transference to another.

(7) Securing laboratory specimens from typhoid fever and other carriers.—Any person suspected of being in a condition such that diseases may be spread through his bodily excretions or discharges shall, on the request of the local health authority or an authorized agent of the State Department of Health, submit to the State Department of Health specimens of such bodily excretions or discharges, in manner or amount, and at such intervals and under such supervision as is prescribed by the State Board of Health. If deemed necessary by the local or State Health officer for the control of the spread of infection, supervision of the collection of specimens shall include temporary hospitalization at public expense.

(8) Contracts, management of.—Persons who have been exposed to communicable disease shall be placed under quarantine restrictions as prescribed by these regulations and such additional restrictions as the local health officer may deem necessary; and they shall so remain until such time as they shall have passed the incubation period of the disease to which they were exposed or until it has otherwise been demonstrated that they are incapable of transmitting infection.

(9) Doubtful cases, management of.—Doubtful cases of communicable disease shall be placed in isolation pending diagnosis.

(10) Dead bodies.—Bodies dead of dangerous communicable diseases shall not be accepted for transportation by common carriers except when thoroughly disinfected according to approved modern methods prescribed by the State Board of Health.

(11) Disinterred bodies.—Except when ordered by court of competent jurisdiction no dead body shall be disinterred until application for disinterment has been filed with, or a permit secured from the local or State Health Officer. Such application for permit shall show the name of the deceased, date of death, date and place of burial, probable date of disinterment and of reburial, and shall be signed by a licensed embalmer showing his post office address and his license number and bearing his statement that the disinterment will be handled in accordance with the State statutes.

(12) Laundry.—All articles of clothing, bed linen, dressings, and the like coming in contact with patients suffering with communicable disease shall not be laundered by persons and institutions doing public laundry until the articles have first been rendered non-infectious by terminal disinfection or chemical methods, provided, that this requirement shall not apply to hospital laundries.

(13) Milk, sale of.—The sale of milk or other dairy products is prohibited (a) from premises upon which there exists the following communicable diseases: Anterior poliomyelitis, infectious gastro-intestinal diseases, diphtheria, dysentery, scarlet fever, septic sore throat, typhoid fever, or paratyphoid fever, unless the milking is performed and the

dairy products and milking utensils are handled by persons entirely dissociated from the infected family, and the premises on which the family is confined; (b) from animals having abscess or running sores, actinomycosis, anthrax, foot and mouth disease, garget, tuberculosis, or other contagious or infectious disease, and from animals within fifteen days before and ten days after parturition.

(14) Public assemblages.—Whenever any communicable disease exists in any community, the health officer, in order to prevent the spread of such disease, may order the closure of schools and other places of public assemblage for such time as may be necessary, and it shall be the duty of the school officers and other responsible persons to comply with such orders. In case the necessity for such order is questioned, the State Board of Health may be appealed to for confirmation or revocation of the order.

Sec. 4. Diseases in Animals Transmissible to Man.—(1) Veterinarians shall report to the State Health Officer on forms supplied for the purpose all cases of actinomycosis, anthrax, foot and mouth disease, glanders, rabies, and tuberculosis coming to their notice, together with the name and address of human contacts.

(2) Local health officers shall take cognizance of these diseases and shall report their occurrence to either the State Veterinarian or the local Deputy State Veterinarian. A copy of such reports shall be sent to the State Department of Health. Pending the arrival of the State Veterinarian or one of his deputies, the local health officer or officers shall institute the control measures as promulgated by the State Board of Health and the Livestock Sanitary Commission.

Sec. 5. State Board of Health May Adopt Special Measures.—(1) Designate quarantine area.—Whenever, in the opinion of the State Board of Health, ingress to or egress from certain areas of the State endanger the health of other areas or the State as a whole, said area may be designated as a quarantine area and shall be subject to such restrictions as the State Health Officer may impose.

(2) Emergency regulations.—In

case of any threatened or general epidemic or improperly controlled situation imperiling the public health, the State Board of Health may designate one or more members or representatives of the State Board of Health to investigate immediately and to take such action as is considered necessary, and within the authority of the State Board of Health. Such representatives shall use their discretion in such emergencies and may promulgate such regulations as may be necessary for that particular locality and for the duration of that emergency. Such regulations shall have the full force and effect of regulations officially adopted by the State Board of Health. When deemed advisable such representative may call upon the State Board of Health to assist in the investigation or to pass upon the regulations and procedures adopted.

(3) Power to investigate.—Whenever it is reported that a representative of the State Health Officer has failed to perform his duties, an investigation may be made by the State Board of Health and action taken as prescribed by law.

(4) Special representative.—In order to safeguard the health of the people and to prevent the introduction, occurrence, or spread of diseases dangerous to public health, the State Health Officer may appoint any qualified physician or other qualified person, as the case may require, as his special representative, and may delegate to such person such duties as the State Health Officer may deem advisable.

(5) Must prepare rules and regulations.—In order to protect the public health more effectively it is also hereby made the duty of the State Board of Health to prepare rules and regulations from time to time as new knowledge of disease control and prevention is developed, embodying such knowledge in control and preventive measures as vaccination, prophylaxis, quarantine, isolation, placarding, fumigation, disinfection, proper housing and plumbing, and sanitation, as seems advisable, and said Board of Health is hereby empowered to take such steps as may be necessary for putting into effect such rules and regulations as required by law.

(6) These rules not to prevent

local rules.—The power and duty of the State Board of Health to prepare rules and regulations shall not be construed to prevent any city, county, or town from establishing any quarantine or other control measures which they may deem necessary for the preservation of the public health; provided, that such rules and regulations shall be consistent with the provisions of this Act and shall be subordinate to said provisions and the rules and regulations of the State Board of Health.

CHAPTER III. General Sanitation.

Section 1. Conditions Specifically Declared to Constitute Public Nuisances.—The following conditions are specifically declared to constitute public nuisances:

(1) Bakeries, restaurants, food markets, and other places where food is prepared, kept for sale, or served, not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that flies, rats, mice, or vermin are present.

(2) Spoiled or diseased meats, whether exposed or offered for sale, or being transported or kept for sale.

(3) Barns or stables, hogpens, chicken yards, or manure piles, or accumulations of organic materials so maintained as to be breeding places for flies.

(4) The discharge or exposure of sewage, waste waters, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.

(5) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.

(6) Transportation of garbage, night soil, or other organic filth except in tight, covered wagons which prevent leakage or access to flies.

(7) Stagnant water likely to afford breeding places for mosquitos within a residential district or within a distance of a thousand feet (1,000) therefrom.

(8) Hide houses, bone boiling, or rendering establishments, or tal-

low soap works, or other trades, when they can be shown to affect public health or produce serious offense.

(9) Buildings, filling stations, construction camps, tourist camps and camp houses, or any part thereof, which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

Sec. 2. Abatement of Nuisance.—

(1) Any local health officer upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any nuisance or pollution comes to his attention, shall within a reasonable time investigate and upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(2) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance should be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the local prosecuting attorney having jurisdiction. Copies of all orders shall be kept on file by the health officer in his office and copies of the same shall be furnished the county health officer or to the State Health Officer upon request.

(3) City and county health officers shall, within their several jurisdictions, examine into all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated, and cause to be removed all filth found which in their judgment may endanger the health of the inhabitants; and all expenses for the abatement or removal of such nuisances or filth shall be paid by the person responsible for same, if known, and if not known, by the town or city or county, as the case may be. When any such filth or nuisance shall be found on private property such officer shall notify the owner or occupant of such property to remove or abate the same at his expense, within such time as the officer shall direct, and if he shall neglect to remove it, he shall be fined not more than one hundred dollars and pay such expense and costs as shall be incurred by such removal or abatement; any health

officer may enter all places within his jurisdiction where there is just cause to suspect any nuisance or sources of filth exist.

Sec. 3. Privies, Cesspools, and other Receptacles for Domestic Sewage.—(1) All human excreta must be disposed of so as not to pollute the soil, contaminate a water supply, be accessible to flies and other insects, or create a nuisance as hereinbefore set forth, in properly managed sewers, treatment tanks, chemical toilets, vaults or pit privies, or by other methods approved by the State Department of Health.

(2) No privy vault, cesspool or outside toilet shall hereafter be constructed within seventy-five feet of a well or of a human habitation other than that to which it is appurtenant without approval by the local or State Health Officer and no toilet shall be erected or maintained over any stream or on the banks thereof.

(3) No privy vault or cesspool hereafter shall be constructed or permitted to remain on any premises from which a public sewer is accessible.

(4) Every privy vault, cesspool or toilet shall be kept in a clean and sanitary condition at all times and should be so constructed and maintained as to prevent the escape of odors and to exclude animals, poultry, rodents, and flies.

(5) Unless the contents of a privy vault or cesspool are disposed of on the land of the owner of said vault or cesspool, a written permit must be secured from the local health officer for the transportation and disposal of such material. Said permit shall designate where and in what manner such material shall be disposed of.

(6) Material from any privy vault or cesspool or human excreta removed from any place shall not be deposited upon any watershed the water of which is used for drinking purposes, or within 300 feet of any highway unless buried or otherwise treated in accordance with the instructions of the local or State Health Officer.

(7) Sufficient and suitable privy or toilet accommodations, well lighted and ventilated and separated for each sex, shall be provided at public buildings, filling stations,

camps, and all places of public assemblage.

(8) No kitchen waste, laundry water or sewage shall be allowed to discharge or flow into any gutter, street, roadway or public place.

(9) No human excrement or material containing human excrement shall be disposed of in such manner that it is likely to gain access to any waters except under conditions approved by the local health officer or the State Department of Health.

Sec. 4. Garbage and Refuse.—

(1) The owner of premises upon which persons reside or which are frequented for pleasure or business shall keep such premises free from accumulations of garbage, rubbish, rags, tin cans, paper, empty barrels, boxes, or any material which because of its character, condition, or improper storage may invite the breeding or collection of flies, mosquitos, or rodents, or which may in any other manner prejudice the public health.

(2) In populous districts stable manure must be kept in a covered water-tight pit or receptacle and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

Sec. 5. Manufacturing and Other Wastes.—No materials or waste products from any mill, factory, slaughter house, rendering or fertilizer works, junk establishments, common carriers, or other industry or utility, shall be stored or deposited so as to cause the surrounding atmosphere, land or water to be contaminated or polluted in such manner as to injure the public health or create offensive conditions.

Sec. 6. Keeping of Animals.—

(1) No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within 300 feet of any inhabited house or public meeting place on an adjoining property.

(2) The carcass of any dead animal not killed for food shall be removed and disposed of within twen-

ty-four hours after death by burial, incineration, or other method approved by the local health officer.

Sec. 7. Public Dumps.—Any person, firm, or corporation who uses or permits the use of any land as a public dump, shall provide for the covering or incineration of all animal and vegetable matter deposited thereon, and for the disposition of other waste materials and rubbish in such a manner as not to create offensive odors, breeding places for insects or rodents, dissemination of dust or fires.

Sec. 8. Vacant or Abandoned Property.—No person shall permit any vacant or abandoned property owned or controlled by him to be or remain in such a condition as to permit or invite the creation of a nuisance or other abuses prejudicial to the public health.

Sec. 9. Tourist Camp Grounds.—No city, town, county, institution, person, firm, or corporation shall operate, maintain, or offer for use, or permit to be used, within the State of Texas any tract of land upon which persons may camp except after approval by the state health officer, local health officer, or any authorized deputy of either, approval being based on the following regulations:

(1) A water supply of satisfactory sanitary quality shall be provided in ample quantity to meet all requirements of the maximum number of persons using such a tract or tourist camp at any time. Said water supply shall be easily obtainable from its source or from a distributing system within a distance of not more than 300 feet of any camping spot within such tract.

(2) Any water found unsafe for human consumption on such tract of land shall either be eliminated or purified, or shall be kept posted with placards definitely warning persons against its use.

(3) Fly-tight privies or water-flushed toilets with a system of sewage disposal approved by the State department of health shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one toilet seat for each 25 men, and one for each 25 women, or fraction thereof, of the

maximum number of persons occupying such tract at any time. No camp within such tract shall be at a greater distance than 400 feet from both men's and women's toilet.

The location of all toilets shall be plainly indicated by signs.

(4) Supervision and equipment sufficient to prevent littering of the grounds with rubbish, garbage, or other refuse shall be provided and maintained. Fly-tight and water-tight depositories for such material shall be provided and conspicuously located. Every camp on said tract shall be provided within a distance of not over 200 feet of such depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.

(5) The method of final sewage disposal utilized in connection with the operation of a camp shall be such as to create no nuisance.

(6) The management of every public camp or tourist camp shall assume responsibility for maintaining in good repair all sanitary appliances on said ground and shall promptly prosecute or eject from such ground any person who willfully or maliciously damages such appliances, or any person who in any way fails to comply with these regulations.

(7) All camp sites shall be adequately drained to prevent the accumulation of stagnant water or provide breeding places for mosquitoes.

(8) All food offered for sale at such camp sites shall be adequately protected against flies, dust, or vermin.

(9) All camp rooms and bedding shall be thoroughly cleaned after each occupancy.

(10) Failure to comply with the foregoing regulations shall be deemed sufficient cause for declaring the premises or camp a nuisance under the provisions of this Law.

(11) These regulations shall be printed and kept posted in a conspicuous place in any such camp by the management of such ground.

Sec. 10. Schoolhouses. In every public, private, and parochial school, toilet accommodations, water supply, drinking cups, washing facilities, heating, lighting, and ventilation shall be maintained in sanitary conditions.

(1) Whenever it shall be found by the State Department of Educa-

tion or by the local school board, or by any member of the school committee of the town in which any schoolhouse is located, that further or different sanitary provisions or means of lighting or ventilating are required in any schoolhouse, and that the same can be provided without unreasonable expense, either of said boards, or such member of the town school committee may recommend to the person or authority in charge or controlling such schoolhouse such changes in the ventilation, lighting, or sanitary arrangements of such schoolhouses as they deem necessary. In case such changes be not made substantially as recommended within two weeks from the date of notice thereof, such board or member of the committee may make complaint to the proper health authority of the community in which the schoolhouse is located, which said authority shall, after notice to and hearing of the parties interested, order such changes made in the lighting, ventilation, or sanitary arrangements of such schoolhouses as it may deem necessary and proper.

(2) The committee having charge of the schools in towns or school districts shall maintain water-closets or privies for the accommodation of the pupils attending the schools therein. When such water-closets or privies are constructed in the same building or under the same roof, and in close proximity to each other, they shall be constructed with a solid partition made of brick, stone, cement, concrete, or metal, or by a double wooden partition with at least four inches air-space between the two walls of said partition, so as to effectively separate the water-closets or privies designated for the use of boys from those designated for the use of girls. In case of community conflict, all matters under dispute may be referred to the State Board of Health, whose decision shall be final.

Sec. 11. Stagnant Water. No person shall maintain or permit to be maintained any pond, cesspool, well, cistern, rain barrel, or other receptacle containing water or accumulation of stagnant water in such condition that mosquitoes may breed therein or may injure health or cause offense to other persons.

Sec. 12. Sanitation of Watersheds.

(1) No cesspool, privy or other place for the deposit or storage of human excrement shall be located within 100 feet of the high water mark of any reservoir, stream, brook, or watercourse, flowing into any reservoir used for drinking purposes provided said distance of 100 feet does not apply to area beyond 3 miles from normal shore line of any reservoir or as may be excepted by the State Health Officer. Toilets constructed on watersheds must be so constructed as to insure against any portion of the contents reaching the stream or reservoir.

(2) No house slops, sink wastes, or other polluted matter shall be discharged on the ground or into the ground within 50 feet of the high water mark of any watercourse or reservoir as above mentioned and no house slops, sink wastes, or other polluted water shall be thrown on the ground within 250 feet of such water.

(3) No stable, pigpen, chicken house or other structure where the excrement of animals or fowls is allowed to accumulate, shall be located within 100 feet of the high water mark of any watercourse or reservoir as above mentioned, and no structure of this character shall be located within 500 feet of the high water mark of such waters unless provision is made for preventing manure or other polluting materials from flowing or being washed into such waters.

(4) No hunting, trespassing, fishing, boating, swimming, or bathing or recreational practices of any kind shall be permitted on or within 300 feet of high water mark of any public reservoir used for storing water for drinking purposes, regardless of subsequent treatment given the water except when special permission is granted by the local or State Health Officer.

Sec. 13. Swimming Pools. The following regulations shall apply to any swimming pool used by any considerable number of persons other than the immediate family of the owner or proprietor.

(1) The bacterial content of the water in swimming pools shall be maintained so that not more than ten per cent of samples covering any considerable period of time shall exceed 100 bacteria per cubic centi-

meter when placed on agar or on litmus agar, at 37 degrees Centigrade and not more than two out of five consecutive samples collected on different dates shall show a positive test in ten cubic centimeters of water for B. Coll. A residual of from 0.2 to 0.5 parts per million of chlorine shall be maintained in public swimming pool waters at all times while in use.

(2) Whenever alum or sulphate of aluminum is used during purification or re-purification of swimming pool waters, the water at all times when the pool is in use shall show an alkaline reaction. Whenever an alkaline reagent is added to a swimming pool, such water shall at no time show a reaction for caustic alkalinity.

(3) The dressing rooms, hallways, toilet rooms, shower rooms, or other rooms to which patrons of bath houses shall have access shall be kept clean and well ventilated at all times. No combs or brushes for common use shall be provided for the use of patrons.

(4) Facilities shall be provided for adequately protecting the pool against unnecessary sputum contamination by bathers.

(5) All persons known or suspected of being afflicted with communicable diseases shall be excluded from the pool.

(6) The construction and appliances shall be such as to reduce to a practical minimum danger of drowning and of injury to bathers from falls or collisions. No swimming pools shall hereafter be constructed except after the plans are approved by the local or state department of health.

(7) All bathing suits and towels furnished to patrons shall be thoroughly washed with soap and hot water and boiled ten minutes and thoroughly rinsed and dried after each use.

Sec. 13. Common Towel and Common Drinking Cup.

(1) All towels except paper towels provided by any hotel or rooming house for the use of guests therein, or by any public lavatory shall not be furnished for subsequent use until thoroughly washed, boiled, and dried. Each guest occupying a room in any hotel shall be furnished with such towels in such

room; and in the public wash room, if any, in such hotel or rooming house, there shall be kept at all times, in sight and of easy access to guests, a sufficient supply of individual towels.

(2) It shall be unlawful to provide a common drinking cup in or upon the premises of any public building, hotel, restaurant, theatre, public hall, school house, or store, and in any public park, or at any fair grounds or other places of public assemblage, on any street, railroad station, railroad car, or steamboat. All drinking fountains shall meet the sanitary requirements of the State Department of Health.

Sec. 14. Cross Connections Between Water Supplies. After December 31, 1930, no physical connection between the distribution system of a public water supply and that of any other water supply shall be permitted, unless such other water supply is of safe sanitary quality and the interconnection of both supplies is approved by the State Department of Health.

No officer, board, corporation, or other person or group of persons, owning or having the management or control of any potable water supply furnished to any municipality or water district, shall supply water to any person, firm, or corporation who maintains such connection.

Provided: That where such physical connection exists and includes two gate valves with indicator posts, two check valves of a design approved by the State Department of Health with drip cock and gauges for testing, all located in a vault of water-tight construction readily accessible for periodic inspection, the date of discontinuance may be temporarily extended, with the permission of the State Department of Health.

Sec. 15. Permissible Arrangements Where Dual Supplies are Used. If a potable water supply is used as an auxiliary supply delivered to a tank, which tank is also supplied with water from a source with which cross connections are not permitted by Regulation 14, such tank shall be open to atmospheric pressure and the potable water supply shall be supplied above the maximum level of the water in the tank. The over-

flow shall be of adequate size to fix definitely the maximum level.

If the auxiliary water supply is secured from a tank supplied only from a potable water supply and directly connected to a potable water supply, such tank shall be so constructed as to avoid any possible contamination of the water in the tank.

Sec. 16. No water shall be used or rendered available for drinking and for other personal or domestic uses in any industrial plant, unless such supply is of safe sanitary quality approved by the State Department of Health. If a water supply for industrial or fire protection purposes is obtained entirely or in part from a source not approved for drinking purposes, this supply shall be distributed through an independent piping system having no connection with the systems for drinking and for other domestic use.

Sec. 17. Those Supplying Water for Human Consumption Responsible. No owner, agent, manager, or operator having charge of any water works furnishing water for public or private use shall knowingly furnish contaminated water or permit the appliances thereof to become filthy or in such condition as to impair the purity or healthfulness of the water thus supplied.

Sec. 18. Every owner or manager of a water plant located in cities of over 50,000 population shall arrange to have the water tested daily as to its sanitary quality and furnish the State Department of Health with monthly reports thereon. Specimens of water shall be submitted at least once each month to the State Department of Health for analysis by the owner or manager of every water plant or water supply from which water for public or private use is furnished.

Sec. 19. Approval of Plans Required for Water Supplies and Sewerage Systems. No system of water or sewerage for public use, which affects or tends to affect public health, shall be installed, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, together with such information as the State Department of Health may require, have been submitted in duplicate and approved by the said department so far as relates to their

sanitary features. All construction shall take place in accordance with the plans as approved, whether with or without modification.

Sec. 20. Whenever any governing body of any municipality having charge thereof shall determine that there shall be any material change in the plans, construction or operation of any such system, such governing body shall submit to the State Department of Health, in duplicate, a detailed statement of such action and such contemplated changes before it shall enter upon the making of such changes or enter into any contract thereof or any part thereof, and then such changes shall only be made after approval as to all matters liable to affect public health by the State Department of Health.

Sec. 21. Pollution of Water and Action by State Department of Health. No sewage or other matter that will impair the sanitary quality, potability, or palatability of water or adversely affect its usefulness for stock drinking, fish life, agriculture, or domestic purposes shall be deposited where it will fill or drain into any pond or stream used as a source of water supply for domestic use. The State Department of Health shall have general charge of all springs, wells, ponds, and streams so used, and shall take all necessary and proper steps to preserve the same from such pollution as may endanger the public health or create a nuisance. In case of violation of any of the provisions of this Section, the department may, with or without a hearing, order any person to desist from causing such pollution, and to comply with such direction of the department as it may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions.

Sec. 22. Within five days after service of such order, any person aggrieved thereby may appeal to the district court of the county on which such polluted source of water supply is situated; and such appeal shall be taken, prosecuted, and determined in the manner provided for such suits in such courts. During the pendency of such appeal, the pollution against which the order has been issued shall not be continued,

and upon violation of such order the appeal shall forthwith be dismissed.

Sec. 23. Manufacture and Handling of Ice. No person except officers, employees or others whose duties require shall be permitted to go upon the platform covering the tanks in which ice is frozen in ice factories. All employees whose services are required on tanks shall use extra foot-wearing apparel while on the tank platform.

Sec. 24. Ice contaminated with sand, dirt, cinders, lint, or any foreign substance shall not be retailed on the streets or offered for sale from wagons when the same is to be used for residential purposes of human consumption. This section shall not apply when ice of this character is used for large storage plants or storage places where food is stored in bulk.

Sec. 25. All water used in the manufacture of ice shall be of a quality coming within the standards of the State Department of Health for potable water and the water supplies used by ice plants shall be subject to the approval of the State Department of Health.

CHAPTER IV. Sanitation of Public Fair Grounds.

Sec. 1. No public fair grounds shall be used except after full and literal compliance with the following regulations:

(1) Water Supply. Any water supply available for drinking and washing dishes on the fair ground shall be of safe sanitary quality. Any water found unsafe for human consumption on such grounds shall either be eliminated or purified by a process approved by the State Department of Health or shall be kept posted with placards definitely warning against its use.

(2) Disposal of Excreta. Fly-tight privies or water-flushed toilets with a system of sewage disposal approved by the State Department of Health shall be provided and shall be maintained in a clean and sanitary condition. Separate installations for men and for women shall be provided and they shall be adequate for the accommodation of all persons attending or using the fair grounds. The location of all toilets shall be plainly indicated by signs.

(3) Disposal of Refuse. Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage, or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. These depositories and any final places of disposition shall not be permitted to become foul smelling or unsightly or breeding places for flies.

(4) Storage and Service of Food. All foodstuffs stored or exposed for sale must be protected from flies and dust by suitable covers. The term "foodstuffs" includes both raw and cooked foods, candy and any other food not sold in single service fly-tight containers, except food in the process of cooking.

Single service cups, dishes, spoons, and drinking straws shall be protected from flies and dust. All glasses, cups, spoons or dishes that are used repeatedly shall be subjected to cleaning with hot water and soap, and then rinsing in clean hot water, or by other process approved by the local health officer or the State Health Department before being reused.

(5) Drinking Beverages. All drinking beverages not bottled must be kept in fly-tight containers, from which the liquid may be removed only by faucets.

CHAPTER V. Sanitation of Oyster Shucking Houses and Shellfish.

Section 1. Oyster Shucking Houses. No person, firm or corporation shall operate or conduct an establishment for the shucking of oysters within the State of Texas until it has been inspected by the State Department of Health.

Application for such inspection shall be made in writing by the person, firm, or corporation submitting the application. All certificates of inspection shall be posted in a conspicuous place in the shucking plant.

Sec. 2. Sanitation of Building and Equipment. Every building or room used as a shucking house shall be constructed and equipped as hereinafter provided and the operations carried on in such building or rooms shall be conducted in such manner that the purity and wholesomeness of the shellfish handled therein shall not be impaired, provided, that all

oysters offered for sale, either wholesale or retail, shall be shucked under conditions specified herein.

(1) All rooms in which shucked oyster are packed, stored, washed, or otherwise handled shall be screened and shall be separate and apart from the room in which the oysters are opened. Such rooms shall be provided with smooth, tight floors which can be readily cleaned. The side walls of such rooms must be constructed of smooth, hard material. All parts of such rooms shall be kept in a clean condition at all times, shall be adequately lighted and ventilated, and shall be provided with an abundant supply of hot and cold water. All shucking houses must be provided with adequate drainage to lead all waste liquids outside of the building and into a suitable sewer or cesspool, or to some other point where they can be disposed of by not emptying into any stream in which shellfish are grown for consumption or are floated.

(2) Shucking benches constructed of smooth, hard material which can be readily cleaned must be provided, and such benches shall be kept in a clean condition.

(3) Suitable receptacles must be provided for shells and waste material and located conveniently to the benches where oysters are shucked.

(4) All utensils and containers in which shucked oysters are placed must be of such material and construction as to be readily cleansed. They must be thoroughly cleansed and scalded immediately before being used. Knives used by shuckers must be subjected to the same treatment.

Sec. 3. Packing and Icing of Oysters. Untreated, shucked, oysters offered for shipment must be packed in closed containers and thoroughly iced. Oysters must not be packed in contact with ice.

Sec. 4. Shipping of Oysters.—Shucked oysters must be shipped the same day they are opened unless stored at a temperature of 45 degrees F. or below, or packed in shipping containers and thoroughly iced. Cans in which shucked oysters are shipped must not be used a second time for this purpose unless the type of container has been approved by the state department of health and the containers must be

cleansed and sterilized immediately before filling.

Sec. 5. Water Supply.—All shucking houses shall be provided with running water secured from a source satisfactory to the state department of health. Soap and clean individual towels shall be provided to enable employees to wash their hands. Employees shall be required to wash their hands before beginning work and after visiting the toilet.

Sec. 6. Clean Clothing Required.—The outer clothing worn by persons engaged in shucking oysters shall be of material which can be readily cleansed and clean garments shall be used daily.

Sec. 7. Persons with Infectious Wounds.—No person with infectious wounds in the hands or arms shall be permitted to open or handle oysters.

Sec. 8. Health Certificates Required.—All persons engaged in the opening, packing or handling of shucked oysters must secure a certificate from the state department of health showing, if deemed necessary by the inspector or local health officer, that bacteriological examination of specimens of urine and feces from the respective persons were negative for typhoid bacilli and paratyphoid bacilli. Certificates must be renewed each year and after an illness of typhoid fever or suspected typhoid fever. No person shall be employed as a shucker unless he holds such a certificate.

Sec. 9. Handling of Shellfish.—No oysters or clams shall be sold in the State of Texas for food unless taken from areas certified by the State Department of Health, or if taken from outside sources, from such areas as are approved by the state authority having jurisdiction.

Sec. 10. Floating of Oysters. The floating, laying out or storing of oysters intended for use as food shall not be permitted in water of a less salt content than that in which oysters will naturally grow to maturity.

Sec. 11. Disposal of Sewage on Vessels.—Owners of all vessels in which men work continuously for more than two hours and who are engaged in the handling of oysters or clams from the planting grounds or in the vicinity of floats upon which oysters are or may be laid out, must provide their vessels with suitable receptacles in which the excreta,

both solids and liquid, of persons using such boats shall be received and the contents of such receptacles shall be disposed of either by the sewerage system of a municipality or by incineration or by burial in the ground at points sufficiently removed from the banks of streams to prevent the pollution of the waters thereof.

Sec. 12. Disposal of Sewage from Vessels.—The discharge of human waste from any boat into the waters directly over or adjacent to areas on which oysters are being produced for market is prohibited.

CHAPTER VI. Slaughter House Sanitation.

Sec. 1 Slaughter Houses Regulated.—Every slaughter house or place where the business of slaughtering beef, poultry, or swine or preparing the same for market, is carried on, and the implements, utensils, and appliances used therein, shall at all times be kept in a clean and sanitary condition as herein specified:

(1) Hogs prohibited.—All pens and enclosures connected with any slaughter house must be kept in a sanitary condition, and no hogs or other animals shall be kept within 100 feet of any slaughter house.

(2) Disposal of offal and refuse.—All offal, refuse, and waste material shall be disposed of in a sanitary manner within twenty-four hours after slaughtering.

(3) Disposal of waste waters.—All waste water must be carried at least 100 feet away from the slaughter house. The floors must be thoroughly washed each day after the slaughtering is completed and the effluvia shall not be allowed to drain underneath the building or collect in pools nearby, nor shall the effluvia be conducted into any stream or pond or allowed to contaminate the waters thereof, or to contaminate any well whose waters are used in connection with the slaughter house or for domestic purposes.

(4) Water Supply.—An adequate water supply, both hot and cold, must be provided and arranged so as to permit a thorough washing of walls, floors, and equipment of the slaughter house.

(5) Disposal of fat and bones.—All bones and fat must be placed in covered containers and removed from the slaughtering room within twenty-four hours.

(6) Hides and pelts.—Hides and pelts shall not be stored on the floor of any room used for slaughtering, storing, or preparing meats or meat food products.

(7) Meat Handlers.—All persons who handle meats or meat food products shall be free of communicable disease and shall be required to keep their hands clean while in service, and to wear clean outer clothing.

(8) Where slaughtering is permitted. No slaughtering shall be done in barns, sheds, shipping pens, or other buildings not designed or suitable for the slaughtering of animals, and the handling, dressing, cooling of meats; nor shall any slaughtering be done outside of any building, except in rural districts and for private consumption.

(9) Cooling and storage rooms provided.—Slaughter houses shall be provided with a cooler or ice box for the proper cooling and chilling of meats when the carcasses are to remain in the slaughter house for a greater length of time than twelve hours into which the carcasses shall be placed immediately after being slaughtered and kept until removed from premises. Cooling and storage rooms must be properly ventilated.

(10) Protection from flies.—All rooms where animals are killed or where meat is handled or displayed or kept for any length of time must be completely screened at all doors, windows, and other openings and properly protected from flies.

Sec. 2. Construction of Rooms and Floors.—(1) The floors shall be of brick, concrete, or other hard impervious material and properly sloped to outlets covered with removable grating, the bars of which shall not be more than one-half inch apart. All rooms must be properly ventilated and well lighted.

(2) The walls must be covered or made to a height of seven feet with concrete at least three inches thick or other approved impervious material.

Sec. 3. Sterilization of Apparatus.—All apparatus, containers, and implements used must be thoroughly cleansed after using with boiling water, live steam, or other efficient sterilizing agent subject to the approval of the health officer.

Sec. 4. Sanitation of Vehicles.—All carts or other vehicles in which meat or meat products or fish are

transported, peddled, or delivered shall be so constructed as to protect the meat from contamination by flies, dust, or other extraneous matter, and must be washed daily and maintained in a sanitary and cleanly condition.

Sec. 5. Sanitation of Yards. All yards, fences, pens, chutes and alleys, whether used or not, shall be kept in a sanitary condition.

Sec. 6. Meat Must be Kept off Floors.—Meat must be placed on racks, hooks, tables, or in suitable containers, and shall never be placed on the floor.

Sec. 7. Toilets to be Provided.—Toilets must be provided for the use of employees, the type and location to be provided by the health officer.

Sec. 8. Alteration of existing Slaughter Houses.—New slaughter houses or repairs of existing slaughter houses shall be constructed according to plans approved in writing by the local or State Health Officer.

CHAPTER VII. Sanitary Code for Common Carriers.

Transportation of Persons Having Communicable Diseases.

Section 1. Persons not allowed to travel.—No person knowing or suspecting himself to be afflicted with plague, cholera, smallpox, typhus fever, or yellow fever shall apply for, procure or accept transportation in any railway train, car or other conveyance of a common carrier, nor shall any person apply for, procure, or accept such transportation for any minor, ward, patients, or other person under his charge if known or suspected to be so afflicted.

Sec. 2. Persons not accepted for travel.—Common carriers shall not accept for transportation in any railway train, car, or other conveyance any person known by them to be afflicted with any of the diseases enumerated in Section 1, unless otherwise ordered by the State Health Officer.

Sec. 3. Restricted travel.—Common carriers shall not accept for transportation on any railway train, car, or other conveyance any person known by them to be afflicted with diphtheria, measles, scarlet fever, epidemic cerebrospinal meningitis, anterior poliomyelitis, mumps, whooping cough, influenza, pneumonia, epidemic encephalitis, septic

sore throat, rubella, or chicken pox, or any person known to be a carrier of these diseases, unless such person is placed in a compartment separate from other passengers, is accompanied by a properly qualified nurse or other attendant, and unless such nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment within which the patient is traveling shall be restricted to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and before being allowed to leave the compartment.

(c) All sputum and nasal discharges from the patient shall be received in gauze or paper, which shall be deposited in a paper bag or in a closed vessel, and shall be destroyed by burning.

(d) Said nurse or attendant shall, after performing any service to the patient, at once cleanse the hands by washing them in a 2 per cent solution of carbolic acid or other fluid or equivalent disinfecting value.

Sec. 4. Typhoid and dysentery.—Common carriers shall not accept for transportation on any railway train, car, or other conveyance, any person known by them to be afflicted with typhoid fever, paratyphoid fever, or dysentery, unless said person is placed in a compartment separate from the other passengers, is accompanied by a properly qualified nurse or other attendant, and unless said nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment in which the patient is traveling shall be restricted to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and before being allowed to leave the compartment.

(c) All urine and feces of the patient shall be received into a 5 per

cent solution of carbolic acid or other fluid of equivalent disinfecting value, placed in a covered vessel, thoroughly mixed, and allowed to stand for at least two hours after the last addition thereto before being emptied.

(d) A sheet of rubber or other impervious material shall be carried and shall be spread between the sheet and the mattress of any bed that may be used by the patient while in transit.

(e) Said nurse or attendant shall use all necessary precautions to prevent the access of flies to the patient or his discharges, and after performing any service to the patient, shall at once cleanse the hands by washing them in a 2 per cent solution of carbolic acid or other fluid of equivalent disinfecting value.

(f) Provided, that if a person with typhoid fever or dysentery is presented at a railway station in ignorance of these regulations, and his transportation is necessary as a life-saving or safe-guarding an emergency may be declared and the patient may be carried a reasonable distance in a baggage car if accompanied by an attendant responsible for his care and removal; Provided also, that regulations (a), (b), (c), (d), and (e) of this Section shall be complied with in so far as the circumstances will allow, and that all bedding, clothing, rags, or cloths used by the patient shall be removed with him; and, Provided further, that any parts of the car which have become contaminated by any discharge of the patient shall be disinfected as soon as practicable, but not later than the end of the run, by washing with a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value, under the direction of the health officer.

Sec. 5. Restricted application for transportation.—No person knowing or suspecting himself to be afflicted with any of the diseases mentioned in Sections 3 and 4 shall apply for, procure, or accept transportation in any railway train, car, or other conveyance of a common carrier, nor shall any person apply for, procure, or accept such transportation for any minor, ward, patient, or other person under his charge if known or suspected to be so afflicted, unless he shall have agreed to and made all necessary arrangements for comply-

ing and does so comply with the regulations set forth in said Sections 3 and 4.

Sec. 6. Suspected cases. If a conductor or other person in charge of a railway train, car, or other conveyance of a common carrier, or agent or other person in charge of a railway station, shall have any reason to suspect that a passenger or a person contemplating passage is afflicted with any of the diseases enumerated in Sections, 1, 3, and 4, he shall notify the nearest health officer, or company physician, if the health officer is not available, by the quickest and most practicable means possible, of his suspicions, and said health officer or physician shall immediately proceed to the railway station, train, car or other conveyance at the nearest possible point, to determine whether such disease exists.

Sec. 7. Disposition.—If the health officer or physician as provided for in Section 6, shall find any such person to be afflicted with any of the diseases enumerated in Sections 1, 3, and 4, he shall move such person from the station or conveyance, or shall isolate him and arrange for his removal at the nearest convenient point; shall treat the car or other conveyance as infected premises, allowing it to proceed to a convenient place for proper treatment if in his judgment consistent with the public welfare, in such case notifying the health officer in whose jurisdiction the place is located; and shall take such other measures as will protect the public health; provided, that if not prohibited in Sections 1 and 2 of these regulations, the afflicted person so found may be allowed to continue his travel if arrangements are made to comply, and he does so comply, with the requirements of the section of these regulations pertaining to the disease with which he is afflicted.

Sec. 8. Leprosy.—Common carriers shall not accept for transportation nor transport in any railway train, car, or other conveyance, any person known by them to be afflicted with leprosy, unless such person presents permits from the Surgeon General of the United States Public Health Service or his accredited representative, and from the State Department of Health of the states from which and to which he is trav-

eling, stating that such person may be received under such restrictions as shall be specified in each instance and no person knowing or suspecting himself to be afflicted with leprosy, nor any person acting for him, shall apply for, procure, or accept transportation on any common carrier unless such permits have been received and are presented, and unless the person so afflicted agrees to comply and does so comply with the restrictions ordered. If any agent of a common carrier shall suspect that any person in a train, car, or other conveyance, or at a railway station is afflicted with leprosy, he shall proceed as directed in the case of other suspected diseases in Sections 6 and 7 of these regulations.

Sec. 9. Pulmonary tuberculosis.—Common carriers shall not accept for transportation any person known by them to be afflicted with pulmonary tuberculosis in a communicable stage unless said person is provided with (a) a sputum cup made of impervious material and so constructed as to admit of being tightly closed when not in use, (b) a sufficient supply of gauze, papers, or similar articles of the proper size to cover the mouth and nose while coughing or sneezing, (c) a heavy paper bag or other tight container for receiving the soiled gauze, paper or similar articles; and unless such person shall obligate himself to use the articles provided for in the manner intended and to destroy said articles by burning or to disinfect them by immersing for at least one hour in a 5 per cent solution of carbolic acid or other solution of equivalent disinfecting value; nor shall any person knowing himself to be so afflicted apply for, procure, or accept transportation unless he shall have agreed to and made all necessary arrangement for complying and does so comply with the regulations as set forth in this Section.

Sec. 10. Conveyances vacated by infected persons. Immediately after vacation by a person having any of the diseases mentioned in Sections 1, 3, 4, and 8, any berth, compartment, or stateroom should be closed and not again occupied until properly cleaned and disinfected, and all bedding, blankets, and linen in any such place should be laundered or otherwise cleansed and disinfected before being again used.

Water and Ice Supplies.

Sec. 11. Water to be certified.—Water provided by common carriers for drinking or culinary purposes in railway trains, cars or other conveyances, or in railway or bus stations, shall be taken from supplies certified by the United States Public Health Service as meeting the required standards of purity and safety prescribed by the Interstate Quarantine Regulations of the United States.

Sec. 12. Ice.—Ice used for cooling water provided as in Section 11 shall be clear natural ice, ice made from distilled water, or ice made from water certified as aforesaid; and before the ice is put into the water it shall be washed with water of known safety, and handled in such a manner as to prevent its becoming contaminated by the organisms of infectious diseases: Provided, that the foregoing shall not apply to ice that does not come in contact with the water to be cooled.

Sec. 13. Water containers.—Water containers. Water containers in newly constructed cars shall be constructed so that the ice for cooling does not come in contact with the water to be cooled: Provided, that after July 1, 1930, all water containers in cars shall be so constructed that ice does not come in contact with the water.

Sec. 14. Care of water containers.—All water containers where water and ice are put into the same compartment shall be thoroughly cleansed at least once in each week that they are in use. All water containers and water storage tanks shall be thoroughly drained and flushed at intervals of not more than one month.

Sec. 15. Filling water containers.—Portable hose or tubing that is used for filling drinking water containers, or car storage tanks from which such containers are filled, shall have smooth, metal nozzles which shall be protected from dirt and contamination; and before the free end or nozzle of said hose or tubing is put into the water container or car storage tank, it shall be flushed and washed with a plentiful stream of water.

Cleaning and Disinfection of Cars.

Sec. 16. General.—All railway passenger cars or other public con-

veyances shall be kept in a reasonably clean and sanitary condition at all times when they are in service to be insured by mechanical cleaning at terminals and lay-over points.

Sec. 17. Cleaning.—All day coaches, parlor cars, buffet cars, dining cars, and sleeping cars shall be brushed, swept, and dusted at the end of each round trip, or at least once in each day they are in service, and shall be thoroughly cleaned at intervals of not more than seven days.

Sec. 18. Thorough Cleaning.—Thorough cleaning shall consist of scrubbing the exposed floors with soap and water; similarly scrubbing the toilets and toilet room floors; wiping down the woodwork with moist or oiled cloths; thorough dusting of upholstery and carpets and beating and brushing, or by means of vacuum process or compressed air; washing or otherwise cleaning windows; and thorough airing of the car and its contents.

Sec. 19. Odors in cars.—When offensive odors appear in toilets or other parts of the car which are not obliterated and removed by cleaning as in Section 18, said toilets or other parts of the car shall be treated with a 2 per cent solution of formaldehyde or other odor-destroying substances.

Sec. 20. Vermin in cars.—Whenever a car is known to have become infested with bedbugs, lice, fleas, or mosquitos, such car shall be so treated as to effectively destroy such insects, and it shall not be used in service until such treatment has been given.

Cars in Service.

Sec. 21. Cleaning.—The cleaning of cars while occupied shall be limited to the minimum consistent with the maintenance of cleanly conditions, and shall be carried out so as to cause the least possible raising of dust or other annoyances to passengers.

Sec. 22. Sweeping.—Dry sweeping of the interior of a car in transit with an ordinary broom is prohibited.

Sec. 23. Dusting.—Dry dusting of the interior of a car in transit is prohibited.

Sec. 24. Brushing.—The brushing of passengers' clothes in the body

of the car in transit is prohibited.

Sec. 25. Drinking cups.—Individual drinking cups in sufficient number shall be supplied in all cars, and the use of common drinking cups is prohibited.

Sec. 26. Towels.—The supplying of roller towels or other towels for common use in cars is prohibited.

Sec. 27. Comb and brush.—The supplying of combs and brushes for common use in cars is prohibited.

Sec. 28. Spitting.—Spitting on the floors, carpets, walls, or other parts of cars by passengers or other occupants of them is prohibited.

Sec. 29. Cuspidors.—An adequate supply of cuspidors shall be provided in all smoking cars, and smoking compartments of cars while in service, if the passenger so desires. Said cuspidors shall be cleaned at the end of each trip and oftener if their condition requires.

Sec. 30. Brushing of teeth.—Spitting into, blowing the nose into, or brushing the teeth over wash basins in cars is prohibited. Separate basins for brushing the teeth shall be provided in the wash rooms of sleeping cars.

Sec. 31. Drinking water and ice.—Drinking water and ice on railway cars shall be supplied in accordance with the conditions set forth in Sections 11, 12, 13, 14, and 15 of these regulations.

Sec. 32. Ventilation and heating.—All cars when in service shall be provided with an adequate supply of fresh air and in cold weather shall be heated so as to maintain comfort. When artificial heat is necessary, the temperature should not exceed 70 degrees Fahrenheit, and in sleeping cars at night after passengers have retired, it should not exceed 60 degrees Fahrenheit.

Sec. 33. Toilets in cars.—A proper toilet room and lavatory shall be provided in all railway passenger cars for the use of their occupants. Such toilets shall be supplied with toilet paper, soap, and free or pay clean towels, and shall be kept in a clean and sanitary condition. Provided, that cars used exclusively in suburban service are not required to be so equipped.

Sec. 34. Toilets to be locked.—The toilet rooms in all railway cars shall be locked or otherwise pro-

tected from use while trains are standing at stations, passing through cities, or passing over watersheds draining into reservoirs furnishing domestic water supplies, unless adequate water-tight containers are securely placed under the discharge pipe. The State Health authority having jurisdiction shall designate the area of watersheds that may be affected by pollution from railroads, and shall notify the managing officers of railroads as to the points between which all toilets shall be locked.

Sec. 35. Lavatories in dining cars.—A lavatory shall be provided in all dining cars for use of dining car employees, and the same shall be supplied with soap and clean towels, and shall be kept in a clean and sanitary condition. Such lavatory shall have no direct connection with the kitchen, pantry, or other place where food is prepared. The word "dining car" as used in these regulations shall be held to include all cars in which food is prepared and served.

Sec. 36. Dining cars to be screened.—Dining cars shall be screened against the entrance of flies and other insects, and it shall be the duty of the dining car employees to destroy flies or other insects that may gain entrance.

Sec. 37. Dining car employees to cleanse hands.—Dining car employees shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal, and immediately before beginning service.

Sec. 38. Care of tableware.—All cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation or service of food or drink in dining cars shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Sec. 39. Food containers.—Refrigerators, food boxes, or other receptacles for the storing of fresh food in dining and buffet cars shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 40. Food and Milk.—No spoiled or tainted food, whether cooked or uncooked, shall be served

in any dining car; and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Sec. 41. Garbage.—Garbage cans in sufficient number, and with suitable tight-fitting covers, shall be provided in dining cars to care for all refuse food and other wastes, and such wastes shall not be thrown from the car along the right of way within the limits of cities, towns, or villages, or within drainage areas furnishing domestic water supplies.

Sec. 42. Dining car inspection.—The person in charge of the dining car shall be responsible for compliance with all dining car regulations, and he shall make an inspection of the car each day for the purpose of maintaining a rigorous cleanliness in all portions thereof.

Sec. 43. Examination of food handlers.—No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of food in a dining car who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their service as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

Railway Stations and Bus Stations.

Sec. 44. General.—All railway and bus stations, including their waiting rooms, lunch rooms, restaurants, wash rooms, and toilets, shall be kept in a clean and sanitary condition at all times to be insured by mechanical cleaning at regular intervals.

Sec. 45. Cleaning.—All waiting rooms and other rooms used by the public shall be swept and dusted daily; and at intervals of not more than seven days the floors shall be scrubbed with soap and water, and the seats, benches, counters, and other woodwork shall be similarly scrubbed, or shall be rubbed down with a cloth moistened with oil.

Sec. 46. Sweeping.—If sweeping is done while rooms are occupied or

open to occupancy by patrons, the floor shall be first sprinkled with wet sawdust or other dust-absorbing material.

Sec. 47. Dusting.—If dusting is done while rooms are occupied or open to occupancy by patrons, it shall be done only with water, oil, or other dust-absorbing material.

Sec. 48. Spitting.—Spitting on the floors, walls, seats, or platforms of railway or bus stations is prohibited.

Sec. 49. Cuspidors.—In all waiting rooms where smoking is permitted, an adequate supply of cuspidors shall be provided; such cuspidors shall be cleaned daily and oftener if their condition requires.

Sec. 50. Common cups.—Individual drinking cups in sufficient number shall be supplied in all stations, and the use of common drinking cups is prohibited.

Sec. 51. Common towels.—The supplying of roller towels or other towels for common use in railway stations is prohibited.

Sec. 52. Combs and brushes.—The supplying of combs and brushes for common use in railway stations is prohibited.

Sec. 53. Toilet facilities.—All railway and bus stations where tickets are sold shall provide adequate toilet facilities, of a design approved by the State Department of Health, for the use of patrons and employees; and there shall be separate toilets for each of the two sexes.

Sec. 54. Station toilets.—If a railway or bus station is located within 300 feet of a public sewer, water flushing toilets shall be installed and permanently connected with such sewer, and a wash basin or basins shall be located near the toilet and similarly connected; and such toilets and lavatories shall be kept in repair and in good working order at all times.

Sec. 55. Care of toilets.—All toilets installed as set forth in Section 54 shall be cleansed daily by scrubbing the floors, bowls, and seats soap and water.

Sec. 56. Odors in toilets.—When offensive odors appear in toilets which are not obliterated and removed by cleaning as in Section 55, said toilets shall be treated with a two per cent solution of formalde-

hyde or other odor-destroying substances.

Sec. 57. Toilet supplies.—Toilets and wash rooms installed as set forth in Section 54 shall be constantly furnished with an adequate supply of toilet paper, soap and free or pay clean towels.

Sec. 58. Privies.—If no sewer connection is available as set forth in Section 54, a sanitary privy of a design approved by the State Department of Health shall be maintained within a reasonable distance from the station. Such privy shall be adequately protected against the entrance of flies, shall be kept supplied with toilet paper, the seats shall be kept clean and the vaults shall be treated with sodium hydrate or other approved disinfectant at least once in each week and shall be cleaned out and emptied at such intervals as will avoid the development of a nuisance.

Sec. 59. Drinking water and ice.—Drinking water and ice in railway and bus stations shall be supplied in accordance with Sections 11, 12, 13, 14, and 15 of these regulations.

Sec. 60. Water not usable for drinking.—If water which does not conform to the standards set forth in Section 11 of these regulations is available at any tap or hydrant or in any railway or bus station, a notice shall be maintained on each such tap or hydrant which shall state in prominent letters, "Not fit for drinking."

Sec. 61. Drinking fountains.—If drinking fountains of the bubbling type are provided in any railway or bus station, they shall be so made that the drinking is from a free jet projected at an angle to the vertical and not from a jet that is projected vertically or that flows through a filled cup or bowl.

Sec. 62. Refuse cans.—At all railway or bus stations where there is an agent there shall be provided and maintained an adequate supply of open or automatically closing receptacles for the deposition of refuse and rubbish, and such receptacles shall be emptied daily and kept reasonably clean and free from odor.

Sec. 63. Cisterns, cesspools, etc.—All cisterns, water-storage tanks, and cesspools in or about railway or

bus stations shall be adequately screened against the entrance of mosquitos, and all collections of surface water on station property shall be drained or oiled during the season of mosquito flight, to prevent the breeding of mosquitos.

Sec. 64. Restaurants to be screened.—All restaurants and lunch rooms, or other places where food is prepared or served in a railway or bus station, shall have doors and windows adequately screened against the entrance of flies during the season of flight of these insects; and all food on display or storage racks shall be adequately covered.

Sec. 65. Lavatories for restaurants.—A lavatory of easy and convenient access shall be provided for the use of employees in every restaurant or lunch room in any railway or bus stations, and it shall be provided with an adequate supply of water, soap, and clean towels.

Sec. 66. Restaurant employees.—Restaurant employees who are engaged in the preparing or serving of food shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal, and immediately before beginning service.

Sec. 67. Kitchen and table utensils.—All cooking, table and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in restaurants or lunch rooms in railway or bus stations shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Sec. 68. Food containers.—Refrigerators, food boxes, or other receptacles for the storing of fresh food in restaurants or lunch rooms in railway or bus stations shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 69. Garbage.—Garbage cans in sufficient number, and with suitable tight-fitting covers, shall be provided in all restaurants, and lunch rooms to care for all refuse food and other wastes; and such cans shall be emptied daily in an approved place and kept in a clean and sanitary condition.

Sec. 70. Restaurant inspection.—The manager, chef, or other person in charge of any restaurant or lunch

room in railway or bus stations shall be responsible for compliance with all regulations pertaining thereto and he shall make an inspection of the premises daily for the purpose of maintaining a rigorous cleanliness in all parts thereof.

Sec. 71. Station inspection.—The agent, manager, or other person in charge of any railway or bus station shall be responsible for compliance with all regulations pertaining thereto, and he shall make, or have made by a responsible person reporting to him, frequent inspections of the premises for the purpose of maintaining a rigorous compliance with all such regulations.

Sec. 72. Examination of food handlers.—No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of food in a restaurant or lunch room who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their service as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

Construction Camps.

Sec. 73. Definition.—For the purposes of these regulations railway or road construction camps shall be considered to include all camps and similar places of temporary abode, including those on wheels established by or for the care of working forces engaged in the construction, repair, or alteration of railway properties or parts thereof: Provided, that camps which are occupied by less than five people, or camps which are established to meet emergency conditions and are not occupied longer than five days, shall not be included, except that camp grounds must be left in clean and sanitary condition when abandoned.

Sec. 74. General.—All camps shall be so located and so maintained as to be conducive to the health of their occupants and not to endanger the health of the public; and all

tents, houses, stables, or other structures therein shall be kept in a reasonably clean and sanitary condition at all times.

Sec. 75. Location.—Camps, except those on wheels, should be located on high, well-drained ground; any natural sink holes, pools, or other surface collections of water in the immediate vicinity should be drained and filled when the camp is first established; and all such water not subject to complete drainage should have the surface oiled at intervals of not more than seven days during the season of mosquito flight.

Sec. 76. Water supplies.—All water supplies for camps shall be properly purified, unless obtained from a source which has been approved by the State Department of Health.

Sec. 77. Garbage and refuse.—All garbage, kitchen wastes, and other rubbish in camps shall be deposited in suitably covered receptacles, the contents of which shall be emptied and burned each day; and manure from the stables shall be likewise collected and burned each day, or disposed of in some other manner approved by the State Department of Health.

Sec. 78. Scavenger.—In all camps where there are 100 men or more there shall be one employee whose duty shall be to act as scavenger and garbage collector.

Sec. 79. Toilets.—Every camp shall have an adequate number of latrines and urinals, so constructed and maintained as to prevent fly breeding and the pollution of water, and the use of latrines and urinals by the inhabitants of the camp shall be made obligatory. Latrines and urinals may consist of deep trenches covered with houses adequately screened against flies, or of any other type approved by the State Department of Health. They shall not be located within less than 200 feet of any spring, stream, lake, or reservoir forming part of a public or private water supply.

Sec. 80. Screening.—The kitchen, eating houses, and bunk houses of all camps shall be effectively screened against the entrance of flies and mosquitoes during the seasons of flight of these insects.

Sec. 81. Care of tableware.—All cooking, table, and kitchen utensils,

drinking glasses, and crockery used in the preparation or serving of food or drink in camps shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Sec. 82. Food containers.—Refrigerators, food boxes, or other receptacles for the storing of fresh food in camps shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 83. Food and Milk.—No soiled or tainted food, whether cooked or uncooked, shall be served in any camp, and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Sec. 84. Sick persons.—When an occupant of a camp becomes sick with a dangerous communicable disease, he shall be immediately isolated, and the health officer within whose jurisdiction the camp is located shall be immediately notified.

Sec. 85. Vermin.—It shall be the duty of some one appointed as caretaker of the camp to make regular weekly inspections of the occupants and premises in order to ascertain the presence of lice or other vermin. Persons found to be infested shall be required to bathe, and their clothing shall be boiled; and the premises found to be infested shall be fumigated with sulphur or treated by some other effective vermin-destroying method.

Sec. 86. Abandoned camps.—When any camp is to be abandoned, all garbage, rubbish, and manure shall be collected and burned, and manure shall be collected and burned, and latrine trenches filled, and the grounds and buildings shall be left in a clean and sanitary condition.

Sec. 87. Duty to enforce regulations.—It shall be the duty of the superintendent, foreman, or other person in charge of a camp to see that all regulations pertaining thereto are faithfully complied with.

CHAPTER VIII. Sanitary Regulations of Food and Drug Establishments.

Section 1. Every building, room, basement, or cellar occupied or used as a confectionery, cannery, packing house, creamery, cheese factory, candy factory, ice cream factory,

cake factory, restaurant, hotel kitchen, grocery, drug store, meat market, bottling works, produce house, or other place or apartment used for the preparation, manufacture, packing, storage, sale or distribution of any food or drug shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced. For the purpose of this Act the term "food" as used herein shall include all articles used for food or drinks, confectionery or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof; and the term "drug" as used in this Act shall include all medicines and preparations for internal or external use recognized in the U. S. Pharmacopoeia or National Formulary, and any substance, or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or animal. The term "transportation" as used in this Act shall apply only to intrastate traffic.

Sec. 2. The floors, sidewalls, ceilings, furniture, receptacles, implements, and machinery of every establishment or place where food or drugs are prepared, manufactured, packed, stored, sold or distributed; and all cars, trucks, and vehicles used in the transportation of food products shall at no time be kept in an unclean, unhealthy or insanitary condition. For the purpose of this Act, unclean, unhealthy, and insanitary conditions shall be deemed to exist if refuse, dirt, and waste products subject to decomposition and fermentation, incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of the article of food or drug are not removed daily; if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms racks tables, shelves, and all knives, saws, cleavers and other apparatus, utensils, and machinery used in moving, handling, cutting, chopping mixing, canning, and all other processes are not thoroughly

cleaned daily or immediately after a twenty-four hour interval of disuse or interruption in use, and if the clothing of operatives, employees, clerks, or other persons therein employed is unclean.

Sec. 3. All materials used in the production of food or drug products, and all food and drug products, shall be stored, handled and kept in a way to protect them from spoilage and contamination; and no material shall be used which is spoiled or contaminated, or which may render the finished product unwholesome or unfit for the use for which it is intended; and no water which is polluted shall be used for washing, cleaning, or preparing any food product.

Sec. 4. The sidewalls and ceiling of every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be well plastered, wainscoted, or ceiled with metal, or lumber, and shall be oil painted or kept well lime washed; and all interior wood work in every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be kept well oiled or painted with oil paints, and kept washed clean with soap and water; and every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood, or other suitable non-absorbent material which can be flushed and washed clean with water.

Sec. 5. The doors, windows, and other outside openings of every food producing or distributing establishment shall be fitted with self-closing screen doors and wire window screens of not coarser than sixteen mesh screen gauze. Provided, that wholesale houses and other establishments that handle only canned goods or other similarly protected food products which cannot possibly be damaged by flies shall not be required to have screens.

Sec. 6. Every building, room, basement, inclosure, or premises occupied, used, or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of food or drugs shall have adequate and convenient toilet

rooms, lavatory or lavatories. The toilet room shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling, and distribution is conducted. The floors of such toilet rooms shall be of non-absorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate venting flues and pipes, discharging into soil pipes, or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be well supplied with soap, running water and clean towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food or drugs are prepared, or the finished products, before beginning work and after visiting toilets, shall wash their hands and arms thoroughly with soap and clean water.

Sec. 7. Cuspidors for the use of operatives, employees, clerks, or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or sidewalls of any buildings, rooms, basement or cellar where the production, manufacture, packing, storing, preparation, or sale of any food or drug is conducted.

Sec. 8. No person or persons shall be allowed to live or sleep in any hotel kitchen or dining room, restaurant, confectionery, creamery, cheese factory, or any place where food is prepared, served or sold.

Sec. 9. The sidewalk or street display of food products is prohibited, unless such products are enclosed in glass show cases or similar devices which shall protect the products from flies or other contamination. The bottom of such show case or container shall be at least two feet above the surface of the ground or floor. Fans and mosquito netting are not a sufficient protection. The

sidewalk or street display of meat or meat products is prohibited. The polishing of fruit or any other food product by any process or in any manner which is insanitary or unclean is hereby prohibited.

Sec. 10. Confectionery, dates, figs, dried fruits, berries, butter, cheese, bakery products, and all foods subject to contamination, while on sale or display are required to be properly covered to effectively protect the same from contamination by handling with hands or damage by flies, dust, vermin, or other means of foreign or injurious contamination.

Sec. 11. No building, place, or room which is dilapidated or in such a state or repair or of such construction that it cannot be kept in a sanitary condition when used as a place for the preparation, manufacture, packing, storage, sale, or distribution of any food or drug product shall be used as a place for conducting any business handling, preparing or producing food or food products; and the owner or owners of such building, room, or place shall not permit it to be used as a place for conducting such a business; and each day of use of such building, room, or place shall constitute a separate offense.

Sec. 12. It shall be the duty of the State Health Officer and those appointed by him to enforce this Chapter; and for that purpose the State Health Officer or any person by him duly appointed, and the county and city health officers and their appointees shall have full power at all times to enter every building, room, basement, inclosure, or premises occupied or used for the production, preparation, manufacture, storage, sale, distribution, or transportation of food or drugs to inspect the premises and all utensils, fixtures, furniture, and machinery used as aforesaid; and if upon inspection any such food or drug producing or distributing establishment, conveyance, or any employer, employee, clerk, driver, or other person is found to be violating any of the provisions of this Chapter, or if the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of such food or drugs is being conducted in a manner detrimental to the health of the

employees, and operatives, or the character or quality of the food or drug therein being produced, prepared, manufactured, packed, stored, sold, distributed, or conveyed, the officer or inspector making the inspection or examination shall certify the facts to the State's attorney of the county in which such violation occurred, and such State's attorney shall proceed against the person or persons for the fines and penalties provided by this Act.

**Sanitary Requirements of Plants
Bottling Carbonated and Still
Beverages.**

Sec. 13. No person, firm, association or corporation within the State of Texas shall engage in the occupation of conducting a bottling plant or in the manufacture of carbonated beverages of any description or in the conduct of any so-called soft drink stand without having complied with the following requirements.

Sec. 14. Every bottling plant in operation at the time of the promulgation of this Act shall be houses in a building.

(a) having a smooth and properly drained floor, of concrete or like material, over an area extending at least three feet beyond all bottling and bottle cleaning machinery,

(b) having whole and sound walls and ceiling,

(c) provided with window space sufficient to give needed natural light during the daylight hours, or well lighted artificially, according to accepted standards,

(d) which is well ventilated at all times.

Sec. 15. The water bottled, or the water used in the manufacture of carbonated beverages or carbonated malt beverages in bottling plants, or in final rinsing of bottles which are to be filled or refilled, shall be pure and potable at all times, according to U. S. Treasury Department Standards.

Sec. 16. All prepared syrups, extracts or other liquid ingredients or concentrates used in the manufacture of carbonated beverages or carbonated malt beverages shall be thoroughly strained and shall be kept, until used, in the unopened container or containers in which they

are shipped, or in a covered porcelain or glass lined or glazed earthenware receptacles. All strainers or cloths used in straining syrups, flavors, extracts or concentrates shall be thoroughly washed and boiled at least daily, or before use immediately following an interval of more than twenty-four (24) hours interruption in use.

Sec. 17. The room in which syrups, flavors, extracts, or other liquid beverage ingredients or concentrates are measured or prepared, shall be of substantial construction, shall have automatically closing entrance and exit, and shall be sufficiently screened with sixteen (16) mesh to the inch, or finer wire screen cloth.

Sec. 18. All syrup, extract, concentrate or other liquid beverage containers and all piping for the conveyance of same, shall be thoroughly scalded or thoroughly cleaned and disinfected with a solution of known strength and efficiency, not less frequently than at intervals of six (6) working days, or before each use immediately after a twenty-four (24) hour interval of disuse or interruption of use. Such containers and piping shall be clean at all times.

Sec. 19. All machinery with which syrups, extracts, concentrates or other ingredients of the final production of bottling plants come in contact, and the floors tables, shelves and racks, upon which the completed product is placed, shall be thoroughly cleaned at intervals of six (6) working days, or before each use immediately after a twenty-four (24) hour interval of disuse or interruption in use, with boiling water, steam or a disinfectant of known strength and efficiency, and shall be clean at all times.

Sec. 20. Bottle crowns, after being taken from the original container, shall be stored only in covered dust-proof receptacles until used. If crowns are left in the original package until used, it shall be covered at all times so as to be dust proof.

Sec. 21. All bottles used as containers for the final products of bottling plants shall be thoroughly cleaned before being filled or refilled. In the cleaning of bottles to be refilled, the temperature of the soaking solutions (if an alkali solu-

tion is used) shall not be less than one hundred and twenty (120) degrees Fahrenheit, and the alkalinity of such a solution shall be all times equivalent to the free alkalinity of a three (3) per cent sodium hydroxide solution.

Sec. 22. All accumulation of broken bottles and other rubbish shall be kept in appropriate receptacles or containers, and shall be removed from the bottling plant daily.

Sec. 23. All employees in the bottling plant must wear clean clothes. Arrangements facilitating the observance of personal hygiene by employees actually engaged in the preparation and bottling of beverages shall be maintained by the management of the bottling plant.

Sec. 24. Every bottling plant now in operation shall observe the following conditions:

(1) All flush toilets connected in any way with any part of the bottling plant shall be securely and permanently closed by a solid partition and door.

(2) The disposal of fecal matter of toilet anywhere within the premises, shall conform to the standards set by the State Department of Health.

Sec. 25. No carbonated beverages or still drinks shall be made except from syrup containing pure cane or beet sugar and pure flavoring materials with or without added fruit acids, and with or without added color. Such carbonated beverages or still drinks shall contain not less than eight per cent sugar by weight.

Sec. 26. After three months from the promulgation of this Act, no bottling plant, which practices the refilling of bottles may operate, except it be equipped with, and use at all times in its operation, a mechanical soaker and bottle-washer. Said soaker and bottle-washer shall be maintained in a state of full efficiency during any and all operations of the bottling plant.

Sec. 27. No new bottling plant shall hereafter be permitted to begin operations except the following conditions be observed:

(1) The entire floor of the bottling department shall be impervious to water, and shall be adequately drained.

(2) There shall be no flush toilet

opening directly into any part of the bottling department.

(3) Means for the disposal of fecal matter shall conform to the standards set by the State Department of Health.

(4) Mechanical soaker and bottle-washer shall be included in the operating equipment.

(5) No other business for the preparation and bottling of the final product of the plant shall be conducted in the bottling department of the establishment.

CHAPTER IX. Milk Sanitation.

Section 1. Principles of Milk Sanitation. The following general principles of milk sanitation are hereby specified as a guide to be used by the State Board of Health in the promotion of milk sanitation in Texas;

"Milk produced for sale and sold to the consumer as whole milk or sweet cream must come from animals free of disease and be handled thereafter until it reaches the consumer by persons free of communicable diseases, and in such manner as will prevent its infection by harmful bacteria and tend to preserve its original purity and freshness."

Sec. 2. Provisions for extension of State Aid. The State Health Officer is hereby authorized to assist with the promotion of milk sanitation in such cities, towns, and counties of Texas which are not financially able to provide for same in the following manner: He may furnish the services of his representatives to counties, cities, and towns making application therefor, and he is hereby authorized to accept from any county, city, or town moneys of an amount estimated and agreed upon as will defray the expense incurred in fulfilling such assignments, and provided the funds so received shall be placed in the State Treasury to the credit of a fund to be known as "Milk Inspection Fund," the same being hereby appropriated, and shall be used by the State Health Officer in the promotion of milk sanitation. Such funds shall be paid out by warrants issued by the Comptroller of the State of Texas drawn on the State Treasury on the requisition of the State Health Officer.

CHAPTER X. Constitutionality and Emergency Provisions.

Section 1. Penalty. Any person, or corporation who shall violate any provisions of any Chapter, Section, or subdivision of the foregoing Sanitary Code shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars and each day of such violation shall constitute a separate offense.

Sec. 2. Constitutionality. If any particular section or part of this Act shall be held unconstitutional or inoperative for any reason, it shall not affect any other section or part of the Act, and the remainder of the Act, save the part of section declared unconstitutional or inoperative, shall continue in full force and effect.

Sec. 3. Emergency. The fact that more adequate protection of the public health is needed, and the importance of this legislation, create an emergency and a public necessity requiring that the constitutional rule providing that bills shall be read on three several days in each House shall be suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Resolutions Adopted by Dallas Bar Association In Honor of the Late Hon. Joseph Weldon Bailey.

To the Honorable Harry P. Lawther, Pres. of The Dallas Bar Ass'n: Your Committee, appointed to draft a report and resolutions touching the death of former Senator Joseph W. Bailey, have the honor to submit the following:

In common with the State and the Nation, the Dallas Bar share in the bereavement occasioned by the death of former Senator Joseph W. Bailey. He honored this community as the seat of his home in the last years of his great life, and the members of this Bar as the last associates of his brilliant professional career. This was a distinction we all recognized while he still walked among us. It is all the more impressive now when we shall never know his presence again.

It is not easy, within brief compass, to fittingly sum up so supreme a character. An effort to portray one of the greatest figures of his time, or of any time, cannot but find

itself baffled for amplitude of treatment as well as phrase. For in mould and fibre he was truly one of Plutarch's men, and therefore did not lend himself to the prevailing terms of description or appraisal.

In mere youth, his were the powers and station of leadership, and this as by a common consent. In our present day of ease, security and self-content little do we realize the magnitude and heroism of the struggle made by chivalric men to restore and maintain a white man's government in the Southern States following the tragedy of the civil war. In his section of Mississippi, young Bailey, while still in his teens, was foremost in the latter stages of that grim contest. He headed a band of youths of his own mettle and temper, the daring, resolution and effectiveness of whose exploits, marked with something of the humor of boyish fancy and extravagance, attained a fame beyond the borders of the State and soon became the subject of the then usual Congressional investigation in the interest of the newly created so-called citizenship which the fanaticism of the North had foisted, still-born, upon the country. One of those committees, with George F. Hoar, of Massachusetts, a prominent and zealous member journeyed to Mississippi, and before it, young Bailey and his companions were hailed as before an inquisition of Spanish days. But in the face of its threatening terrors, he did not quail. Instead of equivocation or suit for pardon as was expected by the committee, he boldly and unreservedly avowed his action, with characteristic courage and candor maintained it as a duty and well within his rights, and proclaimed his readiness to repeat it upon like occasion. Years afterward, upon entering the Senate, of which Mr. Hoar was also a member, he was introduced to the latter. Senator Hoar studied his face for a moment, and then, with a trace of a smile upon his Puritan countenance, asked: "Are you not the 'Captain' Bailey who figured in the Mississippi race riots of some years ago?"

We gain, again, something of his foreshadowing forceful quality when it is recalled that he was nominated as a Democratic Candidate for Presidential elector in Mississippi before

he was eligible, in age, to the office.

Coming soon afterwards to Texas, he became a lawyer at Gainesville. Quickly he was promoted to a partnership with one of the leading members of that Bar, the Honorable Charles B. Stuart, now of Oklahoma City, one of the great lawyers of the country, his devoted friend and admirer of a life-time, and who once said to a member of your committee that from the first his very passion was the study of constitutional law.

Then began those memorable years which have enshrined his career with a kind of legend.

One of the first things he did was to acquire an extensive law library, for he was always a lover of books. Another, was to extensively indulge his fancy for fine live stock, for to the end of his days he was a lover of horses and cattle. With his passing, the horse, the noblest of the brute creation, lost his always eloquent champion, and one who proclaimed as among the evils of the time his banishment for a preferred mere mechanical contrivance.

Of remarkably handsome and striking presence, wonderfully gifted with eloquent speech, a student of unremitting toil, with the student's habit of pervasive thought, and with a charm of manner that few cared to resist, he soon became a dominant, commanding figure; drawing men to him in the bonds of devoted and faithful friendship; the center of every circle; and followed by admiration and affection wherever he went.

Broadly and well versed in the principles of the law, with a wealth of learning that constituted the abundant and unfailing resource of his later years both in Congress and the legal forum, and possessed of the matchless gift of advocacy, honors at the Bar came easily to him. He would not have been in those after years the authority he was on constitutional questions or the power he was in the courts, had he not been the lawyer he was in that earlier period. The brilliance of his political career, beginning as soon as it did, served, inevitably, to overshadow his attainments as a lawyer at that early stage; but no one need doubt that, even then, Mr. Bailey was a profound lawyer. Those who encountered him in the court room in that time had no misgivings

on the subject. The surpassing oratory of Sargent Prentiss caused the unknowing to sometimes under estimate his accomplishments as a pure lawyer, but his antagonists at the Bar were never guilty of that folly.

His entry upon political life was in a sense pre-ordained. He had an equipment for it which would not be denied. Even in his youth, he was a master of political discussion. He had a knowledge of political history unapproached by any of his contemporaries. As a boy, remember, he was brought up under the influence of Jefferson Davis, L. Q. C. Lamar and Edward C. Walthall. Little wonder that the heart of this superbly gifted young man thrilled with the lofty ambition to follow in their honored foot-steps. Those three great figures furnished him with his high ideals. Before the altar of their consecrated memories, he never ceased to dutifully and reverently bow.

So animated by high purpose and so sustained by splendid native powers, he entered Congress. One of the fond and enduring traditions of this State will be his representation, there, of "the Old Fifth District." There is hardly anything comparable to it in our general history save Henry Clay's representation of the Ashland District. He was the pride of that constituency. To them, he was the very "rose and expectancy of the State." They gave him a confidence and a love few men have ever enjoyed from a people. They named their children for him. They eagerly read every speech he made in Congress, and sometimes journeyed there to hear him. And when in the summer vacation he returned home, to mingle with them as he loved to do, and to speak to them on pending issues, in throngs of thousands they literally hung upon his words. It was a relation beautiful to witness; and equally inspiring now to contemplate—a true representative and tribune of the people giving his vast powers and high talents to his country in the interest of an unrivalled constituency, and possessing, in turn, their devotion and loyalty in practically a unanimous degree.

The secret of it was that, always, his was the principle which Edmund Burke expressed to the electors of

Bristol—that he owed them something more than merely his vote, and that was his conscience.

Would that every man in official life could be brought to the practice of this lofty precept as steadfastly and unwaveringly as Senator Bailey adhered to it all the days of his public life!

The people of the District appreciated this, and honored him for his brave and manly course. They trusted him because they knew nothing could swerve him from his convictions. He repaid that trust with a public service that will shine unbrokenly through the years with the lustre of exalted, patriotic statesmanship. And when those of us now young have grown old, and after the fashion of old men shall recall what they will term "the golden era" of politics in Texas, outstanding in their reminiscence will be Mr. Bailey and the love borne him by the people of the "Old Fifth District."

In the Senate, his genius was not more brilliantly displayed. It only burst forth in its matured strength. There, amid a company of outstanding men from all sections of the country, his powers as a debater, by general concession, were unmatched. Dealing with the vital questions of the tariff, public finance, interstate commerce, momentous constitutional questions, and varied other important subjects, he never took the floor without the Nation as his audience. Under the magic of his speech, any subject he discussed became a foremost one and one upon which the general public interest immediately centered. This was not due simply to his oratory. It was because of the power and precision of his thought. The tribute of his colleagues was paid not alone to his eloquence; it was chiefly to the masterful intellect and the convictions of a great character.

There he was the expounder of the Constitution, as Webster was before him. There he was the defender of the integrity of our dual system, of which his grasp was as profound as that of Calhoun—the only statesman to be compared with him in this regard. There he was the protagonist of civil liberty, of orderly government, of the inalienable rights of the citizen which no gov-

ernmental power may impair without spoliation and the sundering of the very foundations of public freedom and order. There he was the resistless champion of the rights of these sovereign States, for which the chivalry of the South had fought, his own father among them, and in whose defense the flower of a race fell, to sleep on bloody battle fields beneath the silent stars "with the dew on their brows and the rust on their mail." And there, always, he was the oracle of Democratic doctrine.

An unsurpassed record, made in the fruition of superb powers by a matchless man! Remarkable in its reach and extent: varied, brilliant and profound in its scope and achievement, we do well to marvel at it and treasure it as a rich and lasting legacy for the public good. It is indeed a heritage of the State, among the very proudest of its trophies, something of whose splendor we of this day have known, and to prove an inspiration to the youth of future generations.

Leaving the Senate voluntarily, again he turned to the law. That was the pursuit of his later years, though public questions never failed to enlist his interest and discussion. Important causes often called him before the Supreme Court of the Nation. There he was the ideal lawyer, no less persuasive and powerful than in the public forum, and always heard with respect and delight. His cases called him into the courts all over the country. From New York to the cities of the Pacific Coast, he went in tireless service for his clients. With first his elder son, and then an esteemed friend and his younger son, and later with only his younger son as his partners, on whom he deservedly set great store, those later years were filled for him with a beloved association and high professional achievement. He counted himself a fortunate man to have enjoyed them.

He came to his end in the court room, in the cause of a client, while still in the flush of his manhood, and with his splendid powers unabated. With his full armor upon him, he fell, with a characteristic expression upon his lips—that what he had before advocated he still maintained, the courageous, resolute, unswerving

man to the end. It was the fit, logical ending of the titanic figure.

With all of his remarkable gifts, his greatest endowment was his character. The oak is an oak, we are reminded, only because it was the seed of an oak that was planted. It is a divine ordering that character, and character alone, shall be the seed and root of all true greatness. Mere talents, however rich, could not have drawn to him and held the thousands of men who were his unfaltering, unfailing friends. Only a fine, true manhood could have done that. Simple in habit; as guileless as a child; knowing no stint in his generousities; always helping somebody with a free and lavish hand; willing, if needs be, to beggar himself to aid a friend in distress, his heart was as sweet as summer to those he loved. His was a limitless capacity for friendship. He numbered his friends in all the walks of life. He knew no rank among them. The very humblest of them all, he held in an affection as deep and enduring as that he gave to any. That was one of the beautiful things about him, and one of the surest marks of his preeminence.

And his was that fair and just reward and renown that comes only to such a man.

It would be enough for any man's life and fame to have been one of the most profound lawyers and most gifted orators of the country, and the greatest Democrat of his day. Senator Bailey was not only these. He was one of the most lovable, truest and best men this earth has known. He towered in every field and station throughout the long years of one of the most brilliant careers in our history. But, above all, we loved him simply for the man he was. He lives in our hearts because of his own great heart, and because in the generous providences of God hearts like his are not suffered to die, but live on to inspire men to kindness and nobility of thought and action and to draw them upward to ultimate life beyond the skies.

We bow in silent sorrow before the cherished memory of this great man.

What Plato said in that exquisite verse he composed as the epitaph

for his friend, we may truly say of our friend:

Thou wert the morning star among the living

Ere thy fair light had fled;

Now, having died, thou art as Hesperus giving

New splendor to the dead.

Therefore, be it resolved by this Association:

That though awed and stricken by this overwhelming loss, we acknowledge a sense of gratitude that the State and Nation were privileged to benefit by the useful and distinguished public service of this unselfish patriot; and that we, his brethren of this Bar, were honored by his association and friendship.

That his life exemplified signally among men a record of high powers, nobly used, and crowned with the enduring glories of a good name.

That the State and Nation have lost one of their chief ornaments of statesmanship and one of the noblest of men; and the Bar is bereft of one of the great outstanding figures in all the long roll of its gifted sons whose names lend their luster to its high office and calling.

That no man ever more splendidly illustrated the true functions of this profession, its large responsibilities, its superior duties, its proud privileges, and its profound all-touching relationship to the affairs of mankind. No man ever more conscientiously discharged its noble trust. None more bravely met all of its imposing obligations. None more truly deserved its honors. None ever wore its distinctions with a truer grace.

That we cherish his manifold achievements. That there will ever abide here the honor of his name. And that we, in common with the people of the State, shall ever hold in high trust the noble examples of his illustrious life.

That a copy of this memorial and these resolutions be presented to the members of his family.

And that through duly appointed committees they be likewise presented to the Supreme Court of Texas and the Court of Civil Appeals for the Fifth District.

Respectfully submitted,

Nelson Phillips, Chairman; Wm. H. Clark, B. F. Looney, Alex Pope,

John W. Pope, R. E. L. Saner, Will
R. Harris, W. H. Reid,
(Signed) Committee.

Proposed Amendment to S. B. No. 10.

By Love:

Amend S. B. No. 10 by striking out all of it after the enacting clause, and inserting in lieu thereof the following:

Section 1. The county board of school trustees, at the regular meeting in May of each year or as soon thereafter as practicable, shall classify the schools of the county, including those in independent school districts, in accordance with such regulations as the State Superintendent may prescribe into elementary schools and high schools for the purpose of promoting the efficiency of the elementary schools and of establishing and promoting high schools at convenient and suitable places. In classifying the schools and in establishing high schools, said trustees shall give due regard to schools already located, to the distribution of population, and to the advancement of the students in their studies. In the event any school is so classified that a resident high school student within the free school age cannot receive instruction in his home district, his tuition for the number of months attended in any other high school recognized by either county or state shall be paid by warrants drawn by the local board of trustees on funds of said district and approved by the county superintendent. Provided, that if the said student, after having completed the course of study offered in his home district is not prepared to enter a high school recognized by either the county or the State, the superintendent of the school district which maintains the high school he desires to attend shall place said student in the proper grade, and said district shall be entitled to receive tuition for said student in the same manner as if said student should attend the high school of said district. If the high school attended receives the transfer of State and county funds for said student, credit shall be given for the amount of same. The rate of tuition charged said pupil shall be the actual cost of teaching service,

based upon the average monthly enrollment in the high school attended, exclusive of all other current or fixed charges, not to exceed \$7.50 per month. Said tuition rate shall be agreed upon between the board of trustees of the district in which such high school is located and the county board of school trustees, or in the event of their disagreement shall be fixed by the State Superintendent of Public Instruction subject to appeal to the State Board of Education; and the principal of the high school or the superintendent of the schools of said district shall furnish a statement to the county board of trustees supported by affidavit containing such information as may be necessary to carry out the provisions of this Act. On or before September first of each scholastic year, it shall be the duty of the board of trustees of each school district under the supervision of the county board of trustees and which does not offer high school training for all resident pupils within the free school age to prepare and file with the county superintendent a budget or bonus prepared and furnished by the State Superintendent of Public Instruction of its proposed expenditures for the current year, which budget shall include the amount necessary for the payment of high school tuition charges as prescribed in this Act, and the amount of tuition payments so budgeted and approved by the county board of trustees shall not be expended for any other purpose in the maintenance of the current school term except with the approval of the county superintendent and county board of trustees.

For all local school districts whose funds may not be sufficient to pay the tuition of resident students attending high school elsewhere, the county board of trustees shall, on or before the first of June of each scholastic year, apply to the State Board of Education for the funds with which to pay the tuition accounts of the said districts, or such part of them as the district is financially unable to pay; the said application to be approved by the county superintendent and supported by a sworn statement of the local district trustees as to such tuition charges. And on the approval of the said application by the State

Board of Education, the State Superintendent of Public Instruction shall transmit to the county board depository, by warrant drawn by the State Comptroller against any appropriation made by the Legislature for this purpose and payable to the County High School Tuition Fund, the funds with which to pay such tuition, and the county superintendent shall, with the approval of the county board of trustees, issue vouchers in payment of the outstanding tuition accounts of the said districts of his county and to reimburse such of them as have paid, in whole or in part, the tuition accounts of resident high school pupils as prescribed herein; provided that the provisions of this Act requiring the payment of high school tuition and reimbursement of funds shall not apply to any district that does not levy and collect a local school tax of seventy-five cents on the one hundred dollars of taxable property; provided further that the payment of high school tuition shall be optional with trustees of districts that levy a lower tax than seventy-five cents on the one hundred dollars.

Sec. 2. All laws and parts of laws, both General and Special, in conflict herewith shall be and the same are hereby repealed, and Article 2678, R. S. 1925, is specifically repealed.

Sec. 3. The need for a more scientific method of ascertaining the rate to be paid for high school tuition in this State by non-resident students creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect from and after its passage, and it is so enacted.

NEAL,
LOVE.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

H. B. No. 31, A bill to be entitled "An Act to amend Article 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers or other executive officers in in-

dependent school districts; repealing Article 2782, R. S. 1925, which exempts the cities of Dallas and Ft. Worth; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following Committee Amendment: Amend H. B. No. 31 by changing the word "two" in the fourth line of "Article 2781" to "three." And by numbering Section "2" Section "3" and by adding between Sections "1" and "3" the following:

"Section 2. All laws and parts of laws, both general and special, in conflict herewith are hereby repealed and Article 2782, R. S. 1925, is especially repealed."

NEAL, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

H. B. No. 19, A bill to be entitled "An Act providing for the compensation and hospitalization under certain conditions of certain employees of the State Penitentiary System, repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

McFARLANE, Chairman.

By Turner and Long H. B. No. 19.
of Houston.

A BILL To Be Entitled

An Act providing for the compensation and hospitalization under certain conditions of certain employees of the State Penitentiary System, repealing all laws in conflict therewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter the following employees of the State Penitentiary System, in addition to their board and lodging and such clothes and provisions as may be provided by appropriations, shall receive such

salaries as may be fixed by the Prison Board not exceeding the following amounts, unless otherwise provided in the Biennial Appropriation, to-wit: Each guard, Seventy-five Dollars per month; each steward, Eighty-five Dollars per month; each gin manager, Eighty-five Dollars per month; each dog sergeant, Ninety Dollars per month; each assistant farm manager, One Hundred Twenty-five Dollars per month.

Sec. 1A. Provided that all employees to receive such salaries shall be investigated and the employer of each shall be satisfied as to the employee's morals, honesty and other qualities touching his proficiency as such an employee before such salary increase shall be paid.

Sec. 1B. All guards and other employees shall have free medical attention from the prison physician and free hospital privileges in the prison hospital, when such guards and other employees have been injured while in the performance of their duties, in connection with the Prison System.

Sec. 1C. All laws or parts of laws in conflict herewith are hereby specially repealed.

Sec. 1D. This Act shall not take effect until September 1, 1929.

Sec. 2. The fact that the employees of the State Penitentiary System mentioned in this Act are underpaid creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 38, A bill to be entitled "An Act providing for the establishment of a refrigeration plant in the Penitentiary System, providing that the site for such plant shall be selected by the Texas Prison Board, authorizing and directing the Board of Control of this State to advertise for bids for the construction and equipment of such refrigeration

plant, directing the manner in which the advertisement for such bids shall be made, providing for the acceptance of the lowest, best bid, providing for a bond to be given by the contractor, making an appropriation to pay for the construction and equipment of such plant, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

McFARLANE, Chairman.

By McFarlane.

S. B. No. 38.

A BILL To Be Entitled

An Act providing for the establishment of a refrigeration plant in the Penitentiary system, providing that the site for such plant shall be selected by the Texas Prison Board, authorizing and directing the Board of Control of this State to advertise for bids for the construction and equipment of such refrigeration plant, directing the manner in which the advertisement for such bids shall be made, providing for the acceptance of the lowest, best bid, providing for a bond to be given by the contractor, making an appropriation to pay for the construction and equipment of such plant and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Board of Control is hereby empowered to establish a refrigeration plant for the prison system of this State as soon as practicable after the passage of this law.

Sec. 2. The Texas Prison Board of this State shall have authority after the passage of this law to designate the site upon which such refrigeration plant shall be constructed. Such site be upon one of the farms belonging to prison system of this State.

Sec. 3. As soon as the site shall be agreed upon by the Texas Prison Board, it shall be the duty of the Board of Control of this State to advertise for bids for the construction and equipment of such refrigeration plant in accordance with the provisions of Articles 642, 643 and 644 of the Revised Statutes of 1925.

Sec. 4. The Board of Control is hereby authorized and directed to accept the lowest, best bid made for the construction and equipment of said refrigeration plant.

Sec. 5. When such plant has been accepted, the Board of Control shall require the successful bidder to give a bond, payable to the State, with good and sufficient sureties in a sum equal to the amounts of the bid, conditioned that the bidder will faithfully and accurately execute the terms of the contract in which he has entered.

Sec. 6. The sum of Fifty Thousand (\$50,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the general revenue to pay for the construction and equipment of the refrigeration plant authorized by this law.

Sec. 7. The fact that the prison system of this State does not have any refrigeration plant, and as a result of failure to have such plant great quantities of food and other perishable products are wasted, and the further fact of the importance of this legislation to the people of this State, create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred S. B. No. 73, A bill to be entitled "An Act, making provision for the purchase and installment by the Board of Prison Commissioners of machinery and equipment for the manufacture of motor vehicle number plates, seals and road signs and markers of all kinds, and sheet steel products; authorizing the State Board of Control to purchase from the Penitentiary System for the State Highway Department motor vehicle number plates (and seals when such are in use), the same to be sold to said Board for said purpose at actual cost, said purchase to be made without competitive bids;

authorizing the Board of Prison Commissioners to manufacture the products for which said machinery and equipment is purchased; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

McFARLANE, Chairman.

By Senator McFarlane. S. B. No. 73.

A BILL

To Be Entitled

An Act making provision for the purchase and installment by the Board of Prison Commissioners of machinery and equipment for the manufacture of motor vehicle number plates, seals and road signs and markers of all kinds, and sheet steel products; authorizing the State Board of Control to purchase from the penitentiary system for the State Highway Department motor vehicle number plates (and seals when such are in use), the same to be sold to said Board for said purpose at actual cost, said purchase to be made without competitive bids; authorizing the Board of Prison Commissioners to manufacture the products for which said machinery and equipment is purchased; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Immediately upon the taking effect of this Act it shall be the duty of the Board of Prison Commissioners of the State of Texas to purchase and install at some suitable place on the penitentiary properties machinery and equipment for the manufacture of motor vehicle number plates, seals, road signs and markers of all kinds, and sheet steel products.

Sec. 2. The Board of Prison Commissioners shall purchase said machinery and equipment upon competitive bidding after advertisement in some daily newspaper of general circulation for thirty days, the contract to be let to the lowest and best bidder. Any contract made without complying with this Section shall be null and void.

Sec. 3. The State Board of Control is hereby authorized to purchase from the penitentiary system for the State Highway Department motor

vehicle number plates (and seals when such are in use). Said number plates and seals shall be sold to said Board for said purpose at actual cost. Said purchase may be made without competitive bids.

Sec. 4. The State Board of Prison Commissioners is hereby authorized to manufacture the products mentioned in Section 1 and for which said machinery and equipment is authorized to be purchased.

Sec. 5. The fact that no provision has been made by the State for manufacturing its own automobile number plates, seals and other products mentioned in this Act, and no provision is made for the purchase of same as herein provided, and the further fact that it is in the interest of public economy that the State shall furnish its own automobile number plates and other products as mentioned herein, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

"S. B. No. 84, A bill to be entitled 'An Act to provide for the collection of delinquent taxes in independent school districts where the local ad valorem tax is assessed by or under the direction of the trustees of such district and to repeal all laws and part of laws in conflict herewith.'"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

WIRTZ, Chairman.

A BILL

To Be Entitled

An Act to provide for the collection of delinquent taxes in independent school districts where the local ad valorem tax is assessed by or under the direction of the trustees of such district and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Board of School Trustees of any independent school district in the State of Texas, when in their judgment they deem it advisable, may employ a special collector or attorney for the enforcement of the collection of delinquent taxes due such district and unpaid.

Sec. 2. That, unless the board of school trustees shall by resolution or contract, arrange for the enforced collection of delinquent taxes by a special collector or attorney, it shall be the duty of the Assessor and Collector of taxes in all independent school districts in the State of Texas, in which the local ad valorem tax is assessed and collected locally as soon as practical after this Act takes effect, and annually thereafter, between the first day of February and the fifteenth day of February in each year, to make up a list of all delinquent taxes due said district and file a copy of the same with the County Tax Collector of the county in which such district is located.

The list to be made up in the first instance shall include all delinquent taxes due such district and unpaid on the day when this Act takes effect. Thereafter, the list to be filed annually, shall include only delinquent taxes unpaid on the list for the year next preceeding the date of its compilation and filing. Such delinquent lists shall be made up in convenient form and shall show the year for which the tax was levied, the name and correct post office address of the party against whom the tax was levied, the property against which the same was levied and if real estate, the usual description used for tax purposes, or the lots and blocks and name of the town or city, if town or city property, the valuation on which levied, the amount of the tax and the penalty to be added and the total of same.

In making up such lists, the board may, in the interest of economy, authorize the omission of all or a part of the items of tax assessed and levied against personal property only.

Sec. 3. It shall be the duty of the County Tax Collector of the county to receive and file a copy of said delinquent lists herein provided for as a part of the records of his office for the use of abstractors or other

persons examining titles, and if certified to him for collection, he shall compile the same into and make it a part of the regular delinquent tax record of the county in which such independent school district may be located, and thereafter such delinquent taxes shall be handled and collected as other delinquent taxes due the county are collected, but for the use and benefit of the district from which the same was certified.

Sec. 4. If the delinquent taxes are collected by the independent school district assessor and collector or by special collector employed by the school board, such board shall provide him with a delinquent tax record arranged in the manner and form required for state and county taxes, a duplicate thereof shall be filed with the county tax collector for the use of abstractors and other examining titles, and shall pay for the same, a sum not to exceed ten cents per item of delinquency, but if the delinquent taxes are turned over to the county tax collector for collection through the county delinquent tax record together with state and county taxes, he shall be entitled to five cents per item as provided for the compilation of delinquent state and county taxes, to be paid by the district from which the same was certified, but in computing the fee herein allowed, each complete item of tax shall be counted as one line.

All other costs except statutory commissions for collecting, shall be charged against the tax payer and added to and collected with the tax and accounted for as such fees and costs are now accounted for in collecting delinquent taxes due the county.

Sec. 5. The board of school trustees of an independent school district, may before suit has been filed thereon, upon notice in writing, withdraw the collection of the delinquent taxes from the county tax collector, and by resolution or contract arrange for a special collector to enforce the payment of their delinquent taxes or turn same over to its assessor and collector for collection.

Sec. 6. In the compilation of the delinquent tax record required herein, if it should be discovered that the board of equalization, assessor, or board of school trustees have failed to cause their certificate of

assessment, equalization or approval or the order fixing the tax rate to be correctly entered upon the minutes of the board or attached to the annual rolls, or should it be found that such certificate or certificates have been misplaced for any year or years, it shall be the duty of the party compiling such record, to call same to the attention of the board of school trustees, who shall cause the proper order to be entered, or the missing certificate or certificates to be duplicated, or shall cause the present assessor or board of equalization to examine such roll or rolls and assessments and if found correct, to supply the necessary and proper certificate for the collector of the unpaid delinquent taxes.

Sec. 7. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 8. The fact that there is not now a law providing for the compilation of delinquent tax records for independent school districts, or for filing same for title purposes; together with the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 86. A bill to be entitled "An Act accepting the provisions and benefits of an Act of Congress passed June 2nd, 1920, and amended June 5, 1924, entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment; authorizing the Treasurer of Texas to receive Federal funds appropriated by Congress under said Act of Congress and to make disbursements therefrom upon the order of the State Board for Vocational Education; providing for cooperation between the State Board for Vocational Education in accordance with the terms and conditions

expressed in said Act of Congress; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Neal.

S. B. No. 86.

A BILL
To Be Entitled

An Act accepting the provisions and benefits of an Act of Congress passed June 2, 1920, and amended June 5, 1924, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment"; authorizing the Treasurer of Texas to receive Federal funds appropriated by Congress under said Act of Congress and to make disbursements therefrom upon the order of the State Board for Vocational Education; providing for cooperation between the State Board for Vocational Education and the Federal Board for Vocational Education in accordance with the terms and conditions expressed in said Act of Congress; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Legislature of Texas does hereby accept the provisions and benefits of an Act of Congress passed June 2, 1920, amended June 5, 1924, entitled: "An Act to provide for the promotion of Vocational Rehabilitation of persons disabled in industry or otherwise, and their return to civil employment."

Sec. 2. The Treasurer of Texas be, and he is hereby authorized and empowered to receive the funds appropriated under said Act of Congress, and is authorized to make disbursements therefrom upon order of the State Board for Vocational Education. The State Board for Vocational Education is empowered and instructed to cooperate with the Federal Board for Vocational Education in accord with the terms and conditions expressed in the Act of Congress aforesaid.

Sec. 3. The fact that there are annually in Texas approximately

5,000 physically disabled persons who are not able to follow a vocation, and who are dependent on friends, relatives, or the State for support; that these persons can be made self-supporting by special vocational training and proper placement in jobs; that it is socially and economically sound to return these persons to remunerative employment; that forty-two States and the District of Columbia now provide this training and placement for their disabled citizens; and that the Federal Government will allot annually to the State of Texas \$44,296.50 for this work, provided the Legislature of Texas accepts the provisions of the National Rehabilitation Act; all creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, May 9, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Galner.	Small.
Parr.	

Prayer by the chaplain.